

Report on the

# Board of Licensure for Professional Engineers and Land Surveyors

Montgomery, Alabama



## Department of Examiners of Public Accounts

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June 18, 2014

Representative Howard Sanderford  
Chairman, Sunset Committee  
Alabama State House  
Montgomery, AL 36130

Dear Representative Sanderford,

This report was prepared to provide information for use by the Sunset Committee in conducting its review and evaluation of the operations of the Board of Licensure for Professional Engineers and Land Surveyors in accordance with the *Code of Alabama 1975*, Section 41-20-9.

The report contains unaudited information obtained from the management, staff, and records of the Board of Licensure for Professional Engineers and Land Surveyors, in addition to information obtained from other sources.

Please contact me if you have any questions concerning this report.

Sincerely,

A handwritten signature in black ink, appearing to read "Ronald L. Jones".

Ronald L. Jones  
Chief Examiner

**Examiner**  
Daniel Dupree



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# **PROFILE**

## **Purpose/Authority**

The Alabama Board of Licensure for Professional Engineers and Land Surveyors was originally created in 1935. The Board licenses and regulates the professional practice of engineering and land surveying in the State of Alabama. The Board operates under the authority of the *Code of Alabama 1975*, Sections 34-11-1 through 34-11-37.

The following legislation was passed since the last sunset review of this agency:

**Act 2014-375** – Amended the Board’s statutes to require that certain applicants for licensure pass a board approved examination in lieu of an eight-hour written examination; to authorize the board to contract with an independent testing agency; to provide that two members of the board be nominated by the Alabama Society of Professional Land Surveyors for appointment by the Governor; and to provide that a simple majority of board members is a quorum. The Act is included in the Appendices of the report.

<b><u>Characteristics</u></b>	
<b>Members and Selection</b>	<p>Seven members, consisting of five professional engineers and two professional land surveyors.</p> <p>Each member is appointed by the Governor from a list of three persons provided by a nominating committee. The nominating committee consists of one professional engineer or one professional land surveyor selected by each of the major professional engineering and land surveying associations in Alabama, as established by Board Rule 330-X-1-.13. Any organization with active chapters in the state having membership qualifications comparable to those organizations named in Rule 330-X-1-.13 may petition the Board for membership on the committee, and the Board may grant the membership.</p> <p><i>Code of Alabama 1975</i>, Section 34-11-30</p>
<b>Term</b>	<p>Members serve five-year staggered terms.</p> <p><i>Code of Alabama 1975</i>, Section 34-11-30</p>

<b>Qualifications</b>	<ul style="list-style-type: none"> <li>• U.S. Citizen and Alabama resident</li> <li>• Must have an Alabama Professional Engineer/Land Surveyor license in active status</li> <li>• Engaged in the practice of engineering or land surveying for at least 12 years</li> <li>• In responsible charge of important engineering or land surveying work for at least five years</li> </ul> <p><i>Code of Alabama 1975, Section 34-11-31</i></p>
<b>Racial Representation</b>	No specific statutory requirement. No racial minority members serving.
<b>Geographical Representation</b>	No statutory requirement
<b>Consumer Representation</b>	No statutory requirement
<b>Other Representation</b>	<p>To the extent possible, the nominating committee and the Governor shall select those persons whose appointments ensure that the membership of the board is inclusive and reflects the racial, gender, geographic, urban/rural, and economic diversity of the state.</p> <p><i>Code of Alabama 1975, Section 34-11-30</i></p>
<b>Compensation</b>	<p>Members receive \$100.00 per diem when actually attending to the work of the Board or any of its committees and for the time spent in necessary travel. Members are reimbursed necessary travel expenses at the same rates provided for state employees, plus incidental and clerical expenses.</p> <p><i>Code of Alabama 1975, Section 34-11-32</i></p>
<b><u>Operations</u></b>	
<b>Administrator</b>	<p>Regina Dinger, Executive Director  Annual Salary - \$100,197.60  Unclassified merit system employee  Appointed and salary set by the Board</p>
<b>Location</b>	<p>100 North Union Street, Suite 382  Montgomery, AL 36104  Office Hours: M-F 7:30 – 4:30</p>
<b>Examinations</b>	<p>Professional Engineers are required to pass the Principals and Practice of Engineering exam (PE) and the Fundamentals of Engineering (FE) exam in order to be licensed.</p>

	<p>Professional Land Surveyors are required to pass the Principles and Practice of Surveying exam (PS); the Fundamentals of Surveying exam (FS); and the Alabama Land Surveying Standards, History and Law exam (ALSS) in order to be licensed.</p> <p>The National Council of Examiners for Engineering and Surveying (NCEES) prepares, administers, and grades all of the exams; except for the ALSS exam, which is prepared and graded by the Board.</p> <p>The Principles and Practice of Engineering and Principles and Practice of Surveying exams are given in April and October in Birmingham. The PE exam is also given in Mobile.</p> <p>The Fundamentals of Engineering and Fundamentals of Surveying exams are given in a computer-based format at approved Pearson Vue test centers. The test date and test center are selected by the Exam candidate. The testing windows are January-February, April-May, July-August, and October-November. There are approved test centers in Auburn, Birmingham, Decatur, Dothan, Mobile, Montgomery, and Tuscaloosa.</p> <p>The Alabama Land Surveying Standards, History, and Law exam (ALSS) is administered by the Board at its office in Montgomery twice a year: January/February and July/August. NCEES administers the exam when it is offered in conjunction with the Principles and Practice of Surveying exam in Birmingham.</p> <p>Fees for the national examinations (PE, PS, FE, and FS) are paid directly to NCEES. The fee for the ALLS exam is paid to the Board. If the ALLS exam is taken at the time of the national exam, the fee is paid to NCEES.</p> <p>See the appendices of this report for detailed exam statistics.</p> <p><b><i>Code of Alabama 1975, Section 34-11-6</i></b></p>
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<b>Licensees</b>	Licenses as of February 28, 2014	
	<b>Professional Engineers</b>	
	Active	13,810
	Inactive	275
	Retired	634
	Total	14,719
	<b>Professional Land Surveyors</b>	
	Active	1,140
	Inactive	43
	Retired	71
	Total	1,254
	<b>Interns</b>	
	Engineer	1,843
	Land Surveyor	28
	Total	1,871
	<b>Total Licenses</b>	<b>17,844</b>
	Some individuals are licensed as both engineer and land surveyor.	
<b>Licensee Demographics</b>	Data not collected by the Board.	
<b>Reciprocity</b>	<p>The Board may issue a certificate of licensure as a professional engineer to any person who holds a valid professional engineering certificate issued by any jurisdiction of the United States or of any country; provided, that the education, experience, and examination qualifications of the applicant are, in the judgment of the Board, of a standard not lower than that specified in the applicable licensure act in effect in Alabama at the time such certificate was issued.</p> <p>The Board may grant to any person who holds a valid professional land surveying certificate issued by any jurisdiction of the United States or of any country, admission into a two-hour written examination of laws, procedures, and practices pertaining to land surveying in Alabama, provided that the education, experience, and examination qualifications of the applicant are, in the judgment of the Board, of a standard not lower than that specified in the applicable licensure act in effect in Alabama at the time such certificate was issued.</p> <p><i>Code of Alabama 1975, Section 34-11-4</i></p>	

<b>Renewals</b>	<p>Professional Engineer and Land Surveyor licenses expire on December 31 each year. Lapsed licenses may be reinstated without examination for up to four years.</p> <p>Certificates of authorization issued to corporations, partnerships, or firms practicing or offering to practice engineering or land surveying expire on January 31 each year. Lapsed certificates may be reinstated for up to two years.</p> <p>Online renewal is available.</p> <p><i>Code of Alabama 1975</i>, Section 34-11-8</p>
<b>Continuing Education</b>	<p>Professional engineers and professional land surveyors must earn a minimum of fifteen professional development hours per annual renewal period. Up to fifteen hours can be carried forward into the next renewal period.</p> <p><i>Code of Alabama 1975</i>, Section 34-11-8</p>
<b>Employees</b>	7
<b>Immigration</b>	<p>E-Verify: Fully compliant  SAVE: Fully compliant  The Board is in compliance with requirements of the Beason-Hammon Alabama Taxpayer and Citizen Protection Act.</p>
<b>Legal Counsel</b>	Benjamin Albritton, an employee of the Attorney General's office, provides legal counsel to the Board.
<b>Subpoena Power</b>	<p>Yes, persons and records</p> <p><i>Code of Alabama 1975</i>, Section 34-11-35</p>
<b>Internet Presence</b>	<p><a href="http://www.bels.alabama.gov">www.bels.alabama.gov</a> Information available includes:</p> <ul style="list-style-type: none"> <li>• Contact information</li> <li>• Link to Alabama Interactive online renewal</li> <li>• Licensee search</li> <li>• Forms / licensing &amp; renewal information</li> <li>• Complaint filing information</li> <li>• Board meeting agenda / minutes</li> <li>• Laws and Rules</li> <li>• FAQ</li> </ul>

<b>Attended Board Member Training</b>	<p>Attended during the last four years:</p> <ul style="list-style-type: none"> <li>• Four Board members</li> <li>• Executive Director</li> <li>• Assistant Director</li> <li>• Two Board employees</li> </ul>
<b><u>Financial</u></b>	
<b>Source of Funds</b>	Licensing fees, administrative penalties
<b>State Treasury</b>	Yes – Special Revenue Fund 0359
<b>Required Distributions</b>	<p>Any remaining funds at fiscal year-end in excess of 25 percent of the prior fiscal year's budget must be transferred to the State General Fund.</p> <p><i>Code of Alabama 1975, Section 34-11-36</i></p>
<b>Unused Funds</b>	<p>Any remaining funds at fiscal year-end that do not exceed 25 percent of the prior fiscal year's budget remain in the Board's operating fund.</p> <p><i>Code of Alabama 1975, Section 34-11-36</i></p>

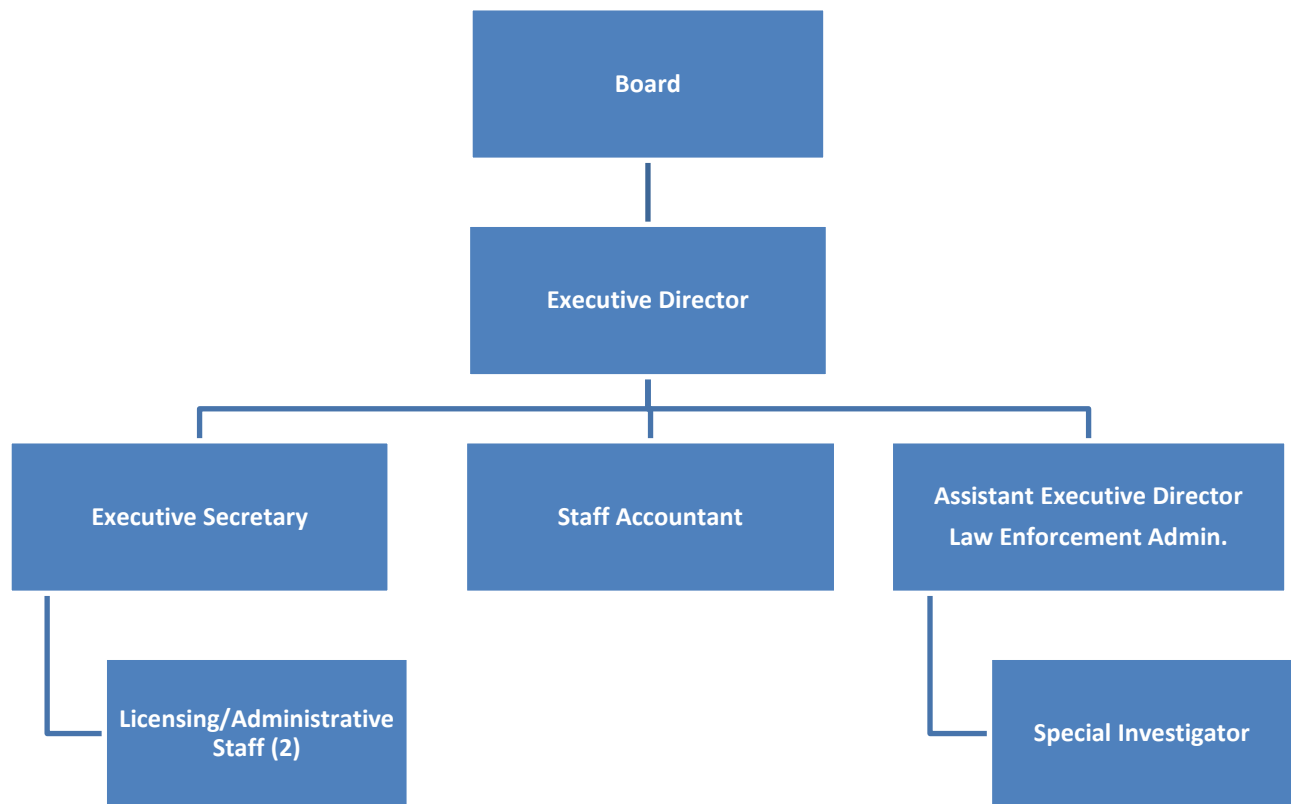
## **SIGNIFICANT ISSUES**

No current significant issues.

## **STATUS OF PRIOR FINDINGS**

All prior findings/significant issues have been resolved.

## ORGANIZATION



## **PERSONNEL**

Schedule of Employees By Merit System Classification/Sex/Race						
	#	W/M	B/F	W/F	Salary	Vehicle Assigned
11903 Retired State Employee	1			1	\$11.82 / Hour	
10196 Admin. Support Asst.	1		1		\$30,724.80	
10612 Staff Accountant	1		1		\$42,266.40	
10145 Executive Secretary	1			1	\$46,615.20	
60320 Special Investigator	1	1			\$39,290.40	1*
Assistant Executive Director	1	1			\$65,690.40	
Executive Director	1			1	\$100,197.60	
<b>Total</b>	<b>7</b>	<b>2</b>	<b>2</b>	<b>3</b>		<b>1</b>

W/M=white male, B/F=black female, W/F=white female

\*Vehicle assigned to Special Investigator for performance of board duties.

### **Legal Counsel**

Benjamin Albritton, an employee of the Attorney General's office, provides legal counsel to the Board.

## **PERFORMANCE CHARACTERISTICS**

**Number of Licenses per Employee** – 2,549 as of March 2014

**Number of Persons per License in Alabama and Surrounding States**

	Population (estimate)*	Number of Licensees	Persons Per License
<b>Alabama</b>	<b>4,833,722</b>	<b>17,304</b>	<b>271</b>
Florida	19,552,860	39,847	491
Georgia	9,992,167	20,726	482
Mississippi	2,991,207	14,813	202
Tennessee	6,495,978	15,849	410
*Source: U.S. Census, July 1, 2013 Population Estimates			

**Operating Disbursements per Licensee** – \$50.32 for Fiscal year 2013

**Fines/Penalties as a % of Operating Receipts** – 0.757% for Fiscal year 2013

### **Notification of Board decisions to Amend Administrative Rules**

The Board complied with notification procedures prescribed in the Administrative Procedure Act, which includes publication of proposed rules in the Administrative Monthly, and public hearings on proposed rules. Licensees are also notified through the Board's newsletter and website.

## **COMPLAINT HANDLING**

<b>Initial Contact/Documentation</b>	Complaints accepted by telephone, mail, and fax. Complaints can be brought by board members. The board has an official complaint form on its website, but the form is not required to be used if all required information is otherwise supplied by the complainant. Complaints must be signed, but are not required to be notarized. Complainants are notified by mail that their complaint was received.
<b>Investigate Process/Probable Cause</b>	Complaint forms received are logged in a database and assigned to a board member for review. An investigative committee determines whether probable cause exists. Investigative committee: Board member, Executive Director, Attorney, Investigator If a hearing is deemed necessary, the board member on the committee does not sit as a member of the board at the disciplinary hearing.
<b>Anonymous Complaints</b>	Yes
<b>Negotiated Settlements</b>	Yes
<b>Notification of Resolution to the Complainant</b>	Complainants are notified of the Board's resolution of the complaint by mail.

	<b>Schedule of Complaint Resolution Fiscal Years 2010 through 2014</b>					
	Year / Number Resolved					Pending
Year/Number Received	2010	2011	2012	2013	2014	
2010 / 49	34	15				
2011 / 52		22	29	1		
2012 / 40			12	27	1	
2013 / 42				15	11	16
2014 / 12 *					1	11
* As of 2-25-2014						
Source of data: Assistant Executive Director						

**Average Time to Resolve Complaints** – 119 days

## **REGULATION IN CONJUNCTION WITH OTHER ENTITIES**

There is no direct overlap of regulation with other state or federal agencies.

## **FINANCIAL INFORMATION**

### **Source of Funds**

The Board's operating funds consist of licensing fees and penalties.

### **Funds/Accounts**

The Board operates through the State Treasury (Fund 0359), authorized by the *Code of Alabama 1975*, Section 34-11-36.

### **Required Distributions**

The *Code of Alabama 1975*, Section 34-11-36 requires that any remaining funds at fiscal year-end in excess of 25 percent of the prior fiscal year's budget must be transferred to the State General Fund. The remainder is retained in the Board's operating fund. The Board's year-end balance did not exceed 25% in fiscal years 2009-2012. The year-end balance did exceed 25% in fiscal year 2013. The amount of \$31,104.81 was transferred to the General Fund on March 6, 2014.

### **Schedule of Fees**

<b>Fee Type/Purpose</b>	<b>Statutory Authority</b>	<b>Administrative Rule</b>	<b>Amount Authorized</b>	<b>Amount Charged</b>
<b>Application Fees</b>				
Engineer Intern	34-11-5(c)	330-X-4	≤ \$50	\$15
Land Surveyor Intern	34-11-5(c)	330-X-4	≤ \$50	\$15
Professional Engineer	34-11-5(b)	330-X-4	≤ \$100	\$50
Professional Land Surveyor	34-11-5(b)	330-X-4	≤ \$100	\$50
Certificate of Authorization	34-11-5(d)	330-X-4	≤ \$250	\$80
ALSS Exam Fee	34-11-6(d)	330-X-4	≤ \$300	\$100
Professional Engineer License	34-11-5(b)	330-X-4	≤ \$100	\$25
Professional Land Surveyor License	34-11-5(b)	330-X-4	≤ \$100	\$25
<b>Renewal Fees - Annual</b>				
Engineer Intern	34-11-8(b)	330-X-4	≤ \$10	\$5
Land Surveyor Intern	34-11-8(b)	330-X-4	≤ \$10	\$5
Intern Renewal Late Fee	34-11-8(b)	330-X-4	2x renewal	\$10
Professional Engineer	34-11-8(a)	330-X-4	≤ \$150	\$45
Professional Land Surveyor	34-11-8(a)	330-X-4	≤ \$150	\$45
Certificate of Authorization	34-11-8(c)	330-X-4	≤ \$250	\$80
PE/PLS Retired over 65	34-11-8(a)	330-X-4	\$10	\$10
<b>Reinstatement Fees for Lapsed License (In addition to applicable renewal fee)</b>				
PE/PLS 0-1 Year	34-11-8(a)	330-X-4	\$250	\$250
PE/PLS 1-2 Years	34-11-8(a)	330-X-4	\$300	\$300
PE/PLS 2-3 Years	34-11-8(a)	330-X-4	\$350	\$350
PE/PLS 3-4 Years	34-11-8(a)	330-X-4	\$400	\$400
Reactivation Fee for Retirees	34-11-8(a)	330-X-4	\$35	\$35
*Retired Status 0-1 Year	34-11-8(a)	330-X-4	\$60	\$60
*Retired Status 1-2 Years	34-11-8(a)	330-X-4	\$100	\$100

*Retired Status 2-3 Years	34-11-8(a)	330-X-4	\$150	\$150
*Retired Status 3-4 Years	34-11-8(a)	330-X-4	\$200	\$200
CA 0-1 Year	34-11-8(c)	330-X-4	\$250	\$250
CA 1-2 Years	34-11-8(c)	330-X-4	\$350	\$350
<b>Other Fees</b>				
Prof. Engineer Interim Permit	34-11-4(1)b	330-X-4	≤ \$50	\$0
Roster	34-11-3	330-X-4	\$15	\$15
Copy Charges – per sheet	Cost	330-X-4	\$.25	\$.25
Certificate Replacement	34-11-12	330-X-4	\$25	\$25
Bad Check	8-8-15	330-X-4	\$30	\$30
Mailing Labels Disc	Cost	330-X-4	\$75	\$75
1,000 Labels	Cost	330-X-4	\$75	\$75
2,000 Labels	Cost	330-X-4	\$106	\$106
3,000 Labels	Cost	330-X-4	\$137	\$137
4,000 Labels	Cost	330-X-4	\$168	\$168
5,000 Labels	Cost	330-X-4	\$197	\$197
10,000 Labels	Cost	330-X-4	\$359	\$359
<b>Fines</b>				
Civil Penalty – Per offense, Max	34-11-16(b)	n/a	≤ \$2,500	\$2,500
Fine – Per offense, Max	34-11-11(i)	n/a	≤ \$2,500	\$2,500
Cost of Investigation/Hearing	34-11-11(m) 34-11-16(g)	n/a	Cost	Cost
* If in retired status as of last renewal.				

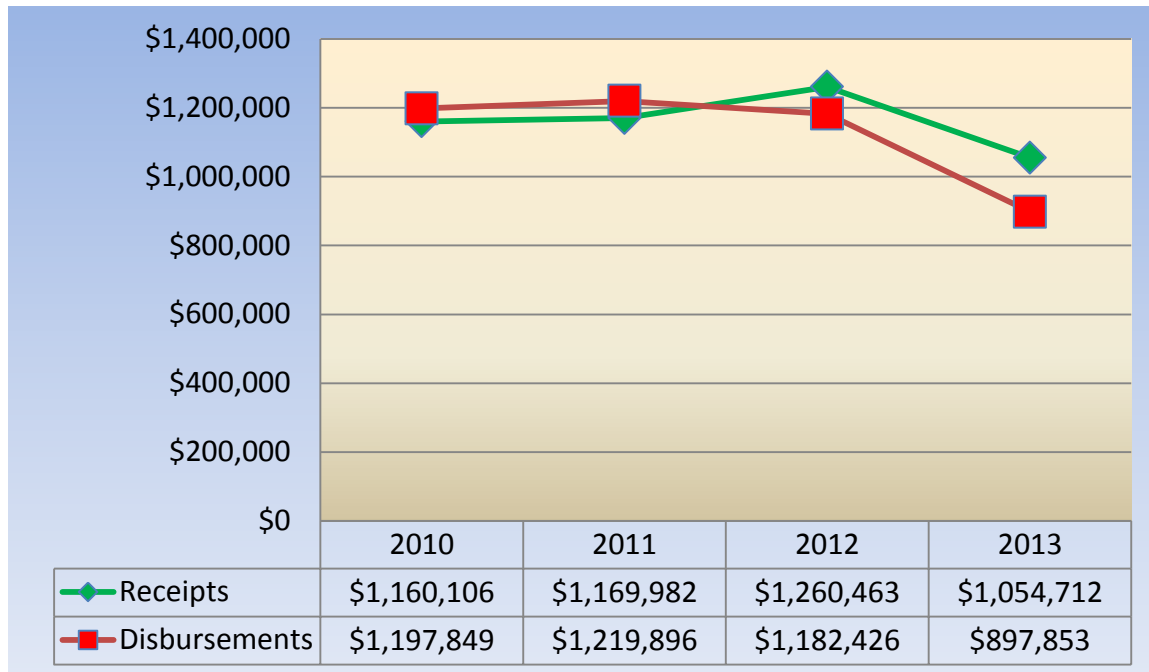


**Schedule of Receipts, Disbursements, and Balances**

October 1, 2009 through September 30, 2013

	2012-2013	2011-2012	2010-2011	2009-2010
<b><u>Receipts</u></b>				
License Fees	\$1,046,730.50	\$1,252,751.00	\$ 1,152,904.00	\$ 1,145,507.00
Administrative Penalties	7,981.53	7,598.72	17,033.36	14,577.61
Salvage Equipment	-	113.11	44.59	21.48
<b>Total</b>	<b>1,054,712.03</b>	<b>1,260,462.83</b>	<b>1,169,981.95</b>	<b>1,160,106.09</b>
<b><u>Disbursements</u></b>				
Personnel Costs	406,830.23	428,064.07	442,887.56	448,147.76
Employee Benefits	134,824.80	143,163.87	167,432.68	160,516.83
Travel, In State	21,178.59	25,099.94	17,855.92	19,207.25
Travel, Out of State	27,278.02	21,169.06	32,227.68	32,717.18
Repairs and Maintenance	2,902.78	2,455.52	1,055.95	2,186.60
Rentals and Leases	123,597.18	120,902.10	118,311.12	116,644.89
Utilities and Communication	34,686.56	32,808.84	44,062.18	42,095.71
Professional Services	67,859.41	345,361.49	338,842.88	303,809.72
Supplies, Materials, Operating Expenses	66,772.69	46,659.15	55,527.09	71,296.30
Transportation Equipment Operations	1,848.33	2,155.16	1,692.68	684.46
Grants and Benefits	14.89	-	-	-
Other Equipment Purchases	10,060.00	14,587.00	-	542.64
<b>Total</b>	<b>897,853.48</b>	<b>1,182,426.20</b>	<b>1,219,895.74</b>	<b>1,197,849.34</b>
Excess (Deficiency) of Receipts over Disbursements	156,858.55	78,036.63	(49,913.79)	(37,743.25)
Cash Balances at Beginning of Year	379,866.41	301,829.78	351,743.57	389,486.82
Cash Balances at End of Year	536,724.96	379,866.41	301,829.78	351,743.57
Reserved for Unpaid Obligations	(78,095.97)	(69,712.68)	(157,195.10)	(144,593.23)
Unreserved Cash Balance at End of Year	<b>\$ 458,628.99</b>	<b>\$ 310,153.73</b>	<b>\$ 144,634.68</b>	<b>\$ 207,150.34</b>

**Operating Receipts vs. Operating Disbursements (Chart)**

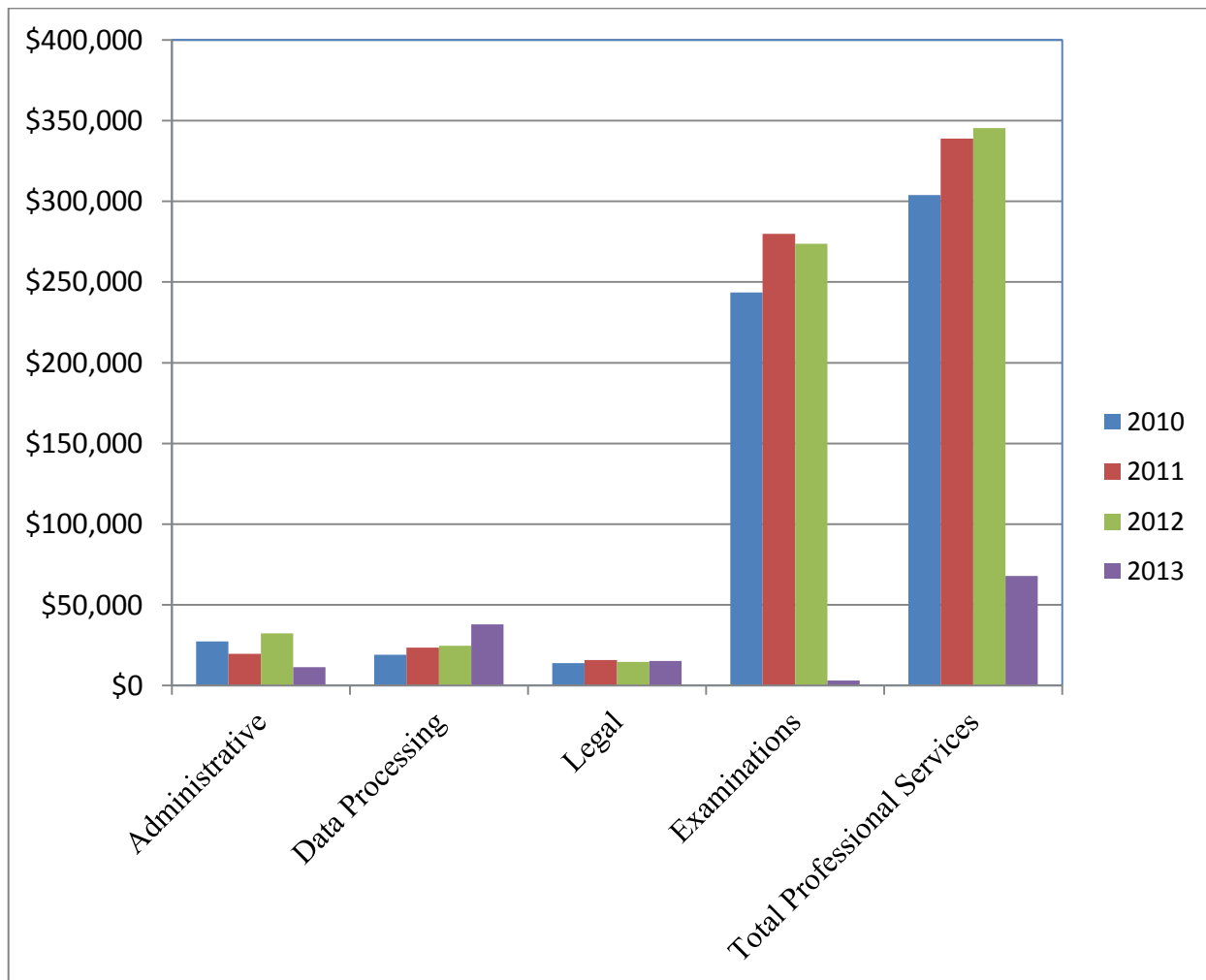


**SUMMARY SCHEDULE OF PROFESSIONAL SERVICE DISBURSMENTS\***  
**October 1, 2009 through September 30, 2013**

<b>Type Service</b>	<b>FY 2010</b>	<b>FY 2011</b>	<b>FY 2012</b>	<b>FY 2013</b>
Administrative	\$ 27,428.25	\$ 19,759.77	\$ 32,322.68	\$ 11,421.27
Data Processing	19,007.39	23,471.05	24,670.91	37,965.08
Legal	13,924.08	15,817.06	14,637.90	15,323.06
Examinations	243,450.00	279,795.00	273,730.00	3,150.00
<b>Total</b>	<b>\$ 303,809.72</b>	<b>\$ 338,842.88</b>	<b>\$ 345,361.49</b>	<b>\$ 67,859.41</b>

\* A detailed schedule of professional service disbursements by vendor is continued in the appendices of this report.

*Professional Service Disbursement Chart*



## **QUESTIONNAIRES**

### **Board Member Questionnaire**

Surveys were sent to all 7 members of the Board of Licensure for Professional Engineers and Land Surveyors of which 7 responded. The percentages shown are based on the number who responded to the question.

**1. What are the most significant issues currently facing the Alabama Board of Licensure for Professional Engineers and Land Surveyors and how is the board addressing these issues?**

**Member 1** – “Getting the law changed to allow computer based testing. If this legislation is not passed this year, the Board will NOT be able to certify any applicant who has passed the FE/FS exam.”

**Member 2** – “Addressing complaints and ensuring the safety, health and welfare of the public, with respect to engineers and surveyors. The complaints are addressed by a team assembled from the board that includes an investigator, legal counsel, the executive director and a board member. The steps are tracked and reviewed based on time of closure with actions recorded.”

**Member 3** – “1. The relationship between the PE's and the PLS' and the fact that the Alabama Legislative process is difficult to obtain needed legislation that serves the many while bowing to a single individual - SB 40 this session. We are having to settle for a law that is not totally good for the professions - both of them. 2. We need a more diverse board. Hopefully this selection will move that direction”.

**Member 4** – “Changing the law to allow for computer based testing for PE's and the possibility the in the future PE's will be required to have a Master's degree.”

**Member 5** – “Presently, the Board has a bill in the House which must be passed to allow for the Board to certify Engineer Interns and Surveying Interns. The reason for the law change is because NCEES has gone to a 6 hour Computer Based Test and our current law states an 8 hour written exam. The Board has also tried to get a Public Member appointment position added to the Board. The Board feels this is a way to have a minority member appointed to the Board and add further public protection.”

**Member 6** – “One of the most serious issues is the declining number of surveying candidates seeking licensure. The national licensure group, NCEES, has just established a task group to study it, and one of our Alabama PE/LS board members has been named to it. A second issue is that our board does not include public (or consumer members). The engineering-surveying community in Alabama is not convinced that they are needed.”

**Member 7** – “1. The change to computer based testing. The Board has supported a change in the law to accommodate this method of testing. 2. The reduction in undergraduate hours required for an engineering degree which has resulted in the move to require additional education beyond the baccalaureate degree as a requirement for licensing as a professional engineer. The current Board is divided on this issue and no immediate changes are planned. 3. The lack of interest by many graduates in attaining a professional engineer's license. The Board is reaching out to the engineering schools and is considering holding meetings on university campuses to allow students to meet the Board. 4. The specialization of engineering practice and the recognition that the generic P.E. license may not be adequate to protect the public to the extent it has in past. The Board has only discussed this issue as it relates to structural engineering and has not planned any immediate action.”

**2. What, if any, changes to the board's laws are needed?**

**Member 1** – “See comments in 1. The laws need to be reviewed to make sure the make of the board is appropriate to represent engineers, land surveyors and the public to carry out the purpose of the board and that is to safeguard life, health, and property, and to promote the public welfare.”

**Member 2** – “The primary need is to clarify the requirements for passing an exam and moving it to a statement of a "length as approved by the board". This is necessary due to "computer based testing" for the fundamentals of engineering or surveying exam.”

**Member 3** – “1. A revision to the current SB40 that set the nomination process for all seats on the board based on the population served not having 4% of the licenses controlling 27% of the seats. 2. We should consider having one or two "public members" appointed by the Governor - first terms would need to be staggered so they get appointed at the same time. 3. We have three members that rotate off the board in the same year, this rotation needs to be adjusted so that the seven members rotate more evenly not creating a big new inflow of members. 4. Consider going to a two year license - it could cut the workload for staff and make the process more efficient. Several other states do this. It seems to work for them.”

**Member 4** – “The Board needs legislation approved to allow for computer based testing as opposed to the "8 Hour Exam" as currently required. The CBT might not require 8 hours to complete. This is a national trend.”

**Member 5** – “Same as above”

**Member 6** – “Modify our law to remove specific reference to "8 hour written exams because they are being replaced with computer based tests of much shorter length. Add public members. Clarify the appointment process so that both the engineering and surveying community supports it.”

**Member 7** – “There are three major changes to the law that are needed. 1. The surveyors should be regulated by a separate board of surveyors loosely affiliated with the engineer's board and managed by the same office. The practice of engineering has a direct relationship to the public's physical safety. Surveying does not. While its regulation is important in the protection of the public's interest, the poor or inept practice of surveying is unlikely to ever cause death or injury. It does not serve the public's interest to link the regulation of engineering and surveying as is currently done. 2. The law needs to be changed to include public members on the Board. This change could help foster diversification, which is lacking and is likely to remain so, due to the small number of minorities that graduate in engineering. 3. The taking of licensing exams should not be delayed until an individual has completed four years of experience. Too many people take the Engineer Intern's exam and never return to take the Professional Engineer's exam. The law should be changed to allow the taking of the exam at any time, but still require the four years (or more) of experience prior to being granted a license.”

**3. Is the board adequately funded?**

Yes	7	100%
No	0	0%

**Member 1** – “For now yes. Needs to be reviewed each year due to the transition to the national move (NCEES) to computer based testing for interns and professional licensure.”

**Member 2** – “Yes. The operation has achieved a modest surplus in recent years, with sufficient funds to achieve the desired goals and objectives”.

## *Board Member Questionnaire*

**Member 3** – “Yes, I think so but I am new to the board and have only seen one cycle.”

### **4. Is the board adequately staffed?**

<b>Yes</b>	<b>6</b>	<b>86%</b>
No	1	14%

**Member 1** – “For now yes. This should be reviewed each year based on work load of the board to implement and provide compliance to the law.”

**Member 2** – “Yes. The operation of the board functions are handled very efficiently by the current staff, but there are occasions that they are overloaded (for instance at renewal time at the end of the calendar year).”

**Member 3** – “No, it seems that several of the staff are pushed most of the year. Changing the renewal to every two years would help in some areas.”

**Member 6** – “Yes. We have the ability to add staff as new issues arise, or as licensure criteria and processes become more complex.”

**Member 7** – “Yes, adequate in number; superior in talent, dedication, and efficiency.”

### **5. Does the board receive regular reports on the operations of the board from the Executive Director?**

<b>Yes</b>	<b>7</b>	<b>100%</b>
No	0	0%

**Member 1** – “Yes, The Executive Director does an outstanding job of keeping the board updated with regular reports and any special reports.”

**Member 2** – “Yes. This takes place at the scheduled board meetings as part of the agenda along with applicant consideration. Also, we review the board finances and check on any unusual needs that may happen.”

**Member 3** – “Yes. This is not an issue. We are kept well informed.”

**Member 6** – “Yes, plus she addresses any board concern and she answers all our questions.”

**Member 7** – “Yes. The Executive Director does an excellent job of communicating with the Board”.

### **6. Are you satisfied with the reports the board receives from the Executive Director?**

<b>Yes</b>	<b>7</b>	<b>100%</b>
No	0	0%

**Member 1** – “Yes. The Executive Director's reports are always very detailed and complete. I am extremely pleased with her job performance.”

**Member 2** – “Yes. The information has been very candid and backed up with data and facts as required.”

**Member 3** – “Yes. We are lucky to have a dedicated ED and a staff the works so well with her and us.”

**7. Has the board experienced any recent significant changes to its operations?**

Yes	2	28%
No	5	72%

**Member 1** – “None other than we are working with NCEES to transition to computer based testing from written exams which requires updates to our laws.”

**Member 2** – “No. During the past year, steps were taken to streamline the board meeting time and the consideration of applicants. The staff only brings unusual situations to the board for approval decisions. This has resulted in the meetings being shorter, saving funds, and achieving the desired results.”

**Member 3** – “No, Not that I as a rookie am aware of.”

**Member 6** – “Yes. We moved to paperless meetings using HL pads. We have modified processes to accommodate national computer based testing.”

**Member 7** – “Yes. Within the last year there has been an effort to streamline the work of the Board with the use of the internet and modern technology.”

**8. What, if any, changes does the board plan to make to its operations?**

**Member 1** – “The board is constantly looking at ways to reduce our expenses without impacting our duties.”

**Member 2** – “I am not aware of any planned modifications.”

**Member 3** – “The renewal every two years would be a great idea.”

**Member 4** – “None that I am aware of.”

**Member 5** – “The Board is discussing going to a two year license in lieu of renewing each year. This change would reduce the end of the year work load.”

**Member 7** – “There are no changes currently planned.”

**Professional Engineer Questionnaire**

Surveys were sent to 100 licensees of whom 54 responded. The percentages shown are based on the number who responded to the question.

**1. Do you think regulation of your profession by the Alabama Board of Licensure for Professional Engineers and Land Surveyors is necessary to protect public welfare?**

Yes	52	96%
No	1	2%
Unknown	1	2%

**Respondent 3** – “Absolutely yes”

**Respondent 6** – “It is necessary; however, I feel their enforcement is not even. They are afraid of lawsuits from the large companies so they mostly go after the little guy.”

**Respondent 12** – “Yes. Especially in Republican held states like Alabama, it is important to regulate standards that prevent the greedy Republicans from swindling the public by selling substandard goods and services that did not have proper engineering review to ensure quality and safety.”

**Respondent 18** – “It's good to have some oversight.”

**Respondent 20** – “National testing is good but continuing ed. requirements are not very” effective.”

**Respondent 23** – “I think it represents a standard that the profession is held to. So it does help the public. However, I do think folks in the profession have the public in their best interests also.”

**Respondent 25** – “I do not my profession corrupted or politicized in Alabama”

**Respondent 29** – “Overall, having registered Professional Engineers who have to meet certain requirements demonstrating their skill and knowledge is a good thing for the industry and public. The Board helps ensure that.”

**Respondent 32** – “Absolutely necessary. I hope the state of Alabama continues regulate the engineering profession. It is a must that quality individuals practice in this state. Without regulation, accidents and foul play will increase”.

**Respondent 49** – “In my opinion, the Engineering profession has been sloppy in preserving principals that protect the welfare of the public by giving away technology to whomever without requiring a license or evidence of competency to use such technology”.

**Respondent 50** – “A minimal standard should be set. However, there is no substitute for industry to conform to standards and best practices.”

**Respondent 51** – “Yes, Alabama is much more responsible than other states. Florida, for example, regulation mitigates much irresponsibility.”

**Respondent 52** – “No. I work in the Nuclear Power industry at present and are subject to regulations beyond the scope of the Board of Licensure for PELS. Though there are elements of my profession that incorporate elements of licensure, and sometimes my profession may borrow from licensure requirements as a proxy to satisfy nuclear power requirements, ultimately federal regulations and codes must be meet and will prescribe regulation with or without the Board of Licensure.”



**2. Do you think any of the board's requirements are irrelevant to the competent practice of your profession?**

Yes	7	12%
<b>No</b>	<b>42</b>	<b>78%</b>
Unknown	3	6%
Yes, No Opinion	2	4%

**Respondent 18** – “Yes. The pass to fail ratio should be higher on the FE and PE tests. I'm not saying make them super easy, but more than 50% should be able to pass after a 4 year degree. I've never understood the low percentage that pass. Perhaps the test content and length of tests should be reconsidered. Although there are some positives, the 15 PDH's could be considered irrelevant.”

**Respondent 20** – “Oversight is good but the continuing education does not assure better engineering capabilities.”

**Respondent 25** – “No. I think the requirements are increasingly relevant in an era of attacks on Clean Air and Water. Especially, when the Regulatory Agency have severe budget cuts and inadequate personnel”

**Respondent 41** – “Yes. The continuing education does not seem to educate me, it seems like a task to be performed by the end of the year. The people who are in the business of the CEU's seem to have the same opinion. Perhaps allow for the taking of a higher level course every two years, or offer a better standardized course once per year.... The cost is also high.”

**Respondent 50** – “No. As in #1, a minimal standard should be set.”

**Respondent 51** – “No. No more requirements should be added.”

**3. How are you informed by the board of changes to and interpretations of the board's positions, policies, rules and laws?**

**Respondent 1** – “Fairly well. They typically send an email which provides information and links to further data if needed.”

**Respondent 2** – “By email and website”

**Respondent 3** – “By email and printed mail”

**Respondent 4** – “Mail”

**Respondent 5** – “Email newsletter”

**Respondent 6** – “We are well informed.”

**Respondent 7** – “Newsletters.”

**Respondent 8** – “Mail correspondence”

**Respondent 9** – “Mailings and electronic media”

**Respondent 10** – “Email updates are provided.”

**Respondent 11** – “Email”

**Respondent 12** – “Email or snail mail”

**Respondent 13** – “Board newsletter”

**Respondent 14** – “Mail notice”

**Respondent 15** – “Informed through email messages as well as postings to the boards website.”

**Respondent 16** – “Well informed.”

**Respondent 17** – “Newsletters”

**Respondent 18** – “By mail, newsletters, and ASPE monthly meetings”

- Respondent 19** – “By email”  
**Respondent 20** – “Email”  
**Respondent 21** – “Email, mail.”  
**Respondent 22** – “The board informs with newsletters, mailed paper copies.”  
**Respondent 23** – “Primarily, Board notifications, also other member communications”  
**Respondent 24** – “Regular mail”  
**Respondent 25** – “Mail and email”  
**Respondent 26** – “Newsletter, email”  
**Respondent 27** – “Email & website”  
 I only remember getting any new information when the renewal papers come each year.”  
**Respondent 28** – “Email and USPS”  
**Respondent 29** – “Well enough”  
**Respondent 30** – “The board’s newsletter”  
**Respondent 31** – “Newsletters – mail”  
**Respondent 32** – “Via email. Very fast and effective”  
**Respondent 33** – “Information comes in the form of emails, letter, and the newsletter.”  
**Respondent 34** – “Emailed newsletter”  
**Respondent 35** – “Email, newsletters”  
**Respondent 36** – “By mail and email”  
**Respondent 37** – “By mail”  
**Respondent 38** – “Via mail notification”  
**Respondent 39** – “Newsletter”  
**Respondent 40** – “By letter, newsletter, or webpage”  
**Respondent 41** – “Newsletter by email”  
**Respondent 43** – “Communications via mail & email”  
**Respondent 44** – “Through newsletter and emails”  
**Respondent 45** – “Email newsletters seem to be very well written”  
**Respondent 46** – “Very informed by email and by board announcements”  
**Respondent 47** – “1. Local and national affiliation newsletter of NSPE 2. Communications from BELS”  
**Respondent 48** – “I get updates in the newsletters.”  
**Respondent 49** – “Email”  
**Respondent 50** – “Newsletter”  
**Respondent 51** – “Mail and email”  
**Respondent 52** – “Postal mail”  
**Respondent 53** – “Email and US Mail”  
**Respondent 54** – “Mail and email”

**Did Not Respond**

**1**

**4. Has the board performed your licensing and renewal in a timely manner?**

<b>Yes</b>	<b>53</b>	<b>98%</b>
<b>No</b>	<b>1</b>	<b>2%</b>

- Respondent 12** – “Yes, one of the few boards in Alabama that works properly.”  
**Respondent 25** – “Yes, since 1971.”

**Respondent 30** – “Yes, the online renewal process is much better than before.”

**Respondent 32** – “Yes, the board has done a very good job in this area.”

**Respondent 41** – “Yes, the on-line renewal is working well.”

**Respondent 50** – “Yes, extremely efficient”

**Respondent 54** – “Yes, it is very user friendly”

**5. What do you think is the most significant issue(s) currently facing your profession in Alabama and what is the board doing to address the issue(s)?**

**Respondent 1** – “The most significant issue cannot really be addressed by the Board as the issue is a lack of funding at the state and federal level to continue to maintain and expand our infrastructure.”

**Respondent 3** – “Not sure about any current issues”

**Respondent 4** – “NA, no burning platforms at this time”

**Respondent 6** – “I feel their enforcement is not even. They are afraid of lawsuits from the large companies so they mostly go after the little guy.”

**Respondent 8** – “I believe the Board is doing all that it should be doing under its charter and not overreaching as some government agencies have done.”

**Respondent 9** – “No opinion.”

**Respondent 10** – “Assuring that those being licensed are current in their field of study as it applies to the work the individual engineers perform.”

**Respondent 11** – “Ensuring that only licensed engineers are performing engineering services. Investigating any breaches of current law.”

**Respondent 12** – “Alabama is too concerned with enforcing cheap labor and denying medical care to common workers in order to try to entice corrupt businesses to move here and spoil our natural resources. Money that should be used to raise the standard of living and education are being diverted to back room deals to make the rich richer by subsidizing land and facility development and by exempting new businesses from taxes for 10 years. This only encourages short term business development. A skilled and educated work force would be more appealing to perspective businesses.”

**Respondent 13** – “Practicing without proper license. Advertising as "engineering" with no engineer on staff. Board is controlling and addressing both.”

**Respondent 14** – “The usefulness of the education requirement.”

**Respondent 18** – “Bring in more jobs and industry”

**Respondent 19** – “The issue of practicing engineering without a license, and I feel that the board is adequately addressing this issue.”

**Respondent 20** – “Regulation of qualifications and reporting of unethical performance. Public reporting of non-capable actors is needed more than semi-informational seminars. Many good engineers are working in the State without a license- depending on a boss who is licensed. Not necessarily contributing to the practice.”

**Respondent 21** – “Keeping Politics out of the registration and Certification Process”

**Respondent 23** – “I do not have any real major issues based on my current profession. I do think as a profession we may be seeing less younger generation folks seeking this profession. I am not sure what the board has been doing in that interest.”

**Respondent 24** – “Misuse of title "Engineer".”

**Respondent 25** – “Extreme attacks on Clean Air and Water. Not sure what the Board is doing about it. Making Wind Energy farms illegal is a serious constitutional attack of private property rights from the PSC, AL Power, and Coal Industry”

**Respondent 26** – “House Bill 72 and Senate Bill 40 If this legislation is not passed this year, the Board will NOT be able to certify any applicant who has passed the FE/FS exam in its new format since it is not an 8-hour examination.”

**Respondent 27** – “Licensing new engineers”

**Respondent 28** – “Re-entering workforce for older (over 50) members when reduction in force occurs at companies. Besides requiring ongoing professional development with courses and training, I do not see much the board can do to change employers' attitudes with respect to hiring older Engineers.”

**Respondent 30** – “Unlicensed & unethical individuals are the most significant issues to the profession.”

**Respondent 31** – “No opinion”

**Respondent 32** – “With the baby boomers retiring, we are in great need of new quality professionals.”

**Respondent 33** – “There is a lack of enough licensed professional engineers in Alabama. The change to electronic processing has eased the burden placed on renewal.”

**Respondent 34** – “Non-licensed engineers. The board seems to pursue offenders, but it is still too common. Also, promotion of the profession. Engineers' pay is low compared to other professions (law, medicine) because the public does not recognize our value. I'm not sure the board is doing anything about this.”

**Respondent 35** – “Having a separate board for land surveyors - bad idea”

**Respondent 36** – “Not sure.”

**Respondent 38** – “Don't know of any”

**Respondent 41** – “Statute of limitations and professional liability. Not sure if Board is helping on this issue.”

**Respondent 42** – “Non engineers allowed to do engineering work”

**Respondent 43** – “1) Maintaining competence in the profession; licensure requirements verify competence. 2) Ethics; board actions to address ethics issues.”

**Respondent 44** – “Unethical behavior of engineering firms seeking work within the state without Certificate of Authorization to do so. Engineers not adhering to the board's laws and rules.”

**Respondent 46** – “Individuals representing themselves as engineers and the continually policing the matter”

**Respondent 47** – “Long term, lack of qualified young engineers to become licensed. Not sure it is within charter of BELS to address this issue.”

**Respondent 48** – “Not sure”

**Respondent 49** – “See comment in no. 1”

**Respondent 50** – “They need to reinstate allowing someone with a related physical science undergraduate degree plus a graduate degree in a bona fide Engineering discipline to sit for the PE exam.”

**Respondent 51** – “None”

**Respondent 52** – “Most of the issues my profession faces are dealt with through federal law and agency, and generally Alabama defers to those as I understand it. Therefore, I am unsure of issues specific to Alabama.”

**Respondent 53** – “No opinion, unknown”

**Did Not Respond**

13

- 6. Has any member of the board or its staff asked for money (other than normal fees), services, or any other thing of value in return for performing a board service for you?**

<b>No</b>	<b>53</b>	<b>98%</b>
No Opinion	1	2%

**Respondent 12** – “I have found the board to be efficient, honest, and hard working in the interests of its Licensees and enforcing an appropriate standard to protect the general public. Only the racists, greedy Republican politicians have caused problems. (i.e. passing new requirements to prove citizenship in order to keep our licenses).”

**Respondent 25** – “If they did, I would immediately report the matter.”

**Respondent 46** – “Absolutely not”

**Respondent 50** – “Absolutely not!”

**Professional Land Surveyor Questionnaire**

Surveys were sent to 100 licensees of whom 43 responded. The percentages shown are based on the number who responded to the question.

**1. Do you think regulation of your profession by the Alabama Board of Licensure for Professional Engineers and Land Surveyors is necessary to protect public welfare?**

Yes	40	93%
No	2	5%
No Opinion	1	2%

**Respondent 1** – “Yes. I think we need to do a better job of enforcing our regulations.”

**Respondent 3** – “Yes. All professions need to have standards and oversight to protect the public.”

**Respondent 6** – “Yes. It is absolutely necessary that the surveying of real property boundaries be performed by an unbiased competent professional land surveyor and the BOL is charged with the responsibility of issuing licenses to only those who meet the accepted standard of competency and professionalism and who are sufficiently knowledgeable in the art and science of surveying.”

**Respondent 40** – “Yes. I believe that all licensed professional organizations need to have some form of regulation and policing because in addition to the licensed members who make honest and dishonest mistakes, there are unlicensed people who would go unpunished otherwise.”

**2. Do you think any of the board’s requirements are irrelevant to the competent practice of your profession?**

Yes	9	21%
No	30	70%
Unknown	1	2%
No Opinion	3	7%

**Respondent 1** – “I think the requirements are very necessary because we have surveyors that are blatantly ignoring our standards now and if there were no requirements, there is no telling how bad things would get.”

**Respondent 3** – “I think the board's requirements are reasonable and relevant.”

**Respondent 10** – “Yes. Require too many PDH per year.”

**Respondent 39** – “Yes. I think the requirement to have a four year degree in order to be licensed is going to hurt the Practice of Land Surveying. Experience is the best teacher and I am afraid the new generation of land surveyors will not have the on hands experience to protect the public. Eight years’ experience being supervised by a licensed surveyor cannot be underestimated.”

**Respondent 40** – “I believe that the Board does a good job of listening to the collective voice of its licensees and incorporating the measures that help promote our profession.”

**3. How are you informed by the board of changes to and interpretations of the board’s positions, policies, rules and laws?**

**Respondent 1** – “Email, newsletters, seminars”

*Professional Land Surveyor Questionnaire*

- Respondent 2** – “Newsletter”  
**Respondent 3** – “I am informed by email and the U.S. Postal Service by the State Board.”  
**Respondent 4** – “By email”  
**Respondent 5** – “Newsletters”  
**Respondent 6** – “By notification from the BOL in their newsletter and other publications.”  
**Respondent 7** – “Email”  
**Respondent 8** – “Newsletter”  
**Respondent 9** – “By newsletter or by email or by ASPLS”  
**Respondent 10** – “Not very well.”  
**Respondent 11** – “Newsletter”  
**Respondent 12** – “By email and news letters from the board.”  
**Respondent 13** – “By mail”  
**Respondent 14** – “Publications and emails”  
**Respondent 15** – “Newsletter and by email”  
**Respondent 16** – “Newsletters, memos, notices, etc.”  
**Respondent 17** – “Hear it through ASPLS and board notices”  
**Respondent 18** – “Newsletters and surveying society”  
**Respondent 19** – “I am informed through the newsletter”  
**Respondent 20** – “I am notified by the Board via mail and email”  
**Respondent 21** – “By letter from the board and through ASPLS”  
**Respondent 22** – “Email or US postal”  
**Respondent 23** – “Mail”  
**Respondent 24** – “By email”  
**Respondent 25** – “By letter”  
**Respondent 26** – “Email”  
**Respondent 27** – “Email, newsletter and continuing education”  
**Respondent 28** – “Newsletter, mailing, etc.”  
**Respondent 29** – “In writing”  
**Respondent 30** – “Usually by email or local chapter meetings”  
**Respondent 31** – “Newsletter”  
**Respondent 32** – “Online and with newsletter”  
**Respondent 33** – “By mail and from ASPLS”  
**Respondent 34** – “By the Director of the ASPLS”  
**Respondent 35** – “Newsletter”  
**Respondent 36** – “By newsletters sent to me by email”  
**Respondent 37** – “Letter”  
**Respondent 38** – “Mail”  
**Respondent 39** – “Board newsletter”  
**Respondent 40** – “Newsletters, website, colleagues, and the Director of the Alabama Society of Professional Land Surveyors”  
**Respondent 41** – “Meetings”  
**Respondent 42** – “Formally written letters delivered by USPS and emails.”

**Did Not Respond**

1

**4. Has the board performed your licensing and renewal in a timely manner?**

Yes	43	100%
No	0	0%

**Respondent 3** – “They do a good job with licensing and renewal.”

**Respondent 40** – “I have not had a problem with either.”

**5. What do you think is the most significant issue(s) currently facing your profession in Alabama and what is the board doing to address the issue(s)?**

**Respondent 1** – “Surveyors not performing surveys that meet our standards of practice. Without sounding like the tattle tale in school, there is no way to report violations to the board. There needs to be an anonymous way to report surveyors that are willingly and knowingly ignoring our standards.”

**Respondent 2** – “GPS accuracy. There just seems to be too many scenarios in which you can get different data from one day to the next.”

**Respondent 3** – “I think the most significant issue facing our profession is surveyors who violate the Standards of Practice. The Board does investigate complaints and takes enforcement action when necessary.”

**Respondent 4** – “Land Surveyors practicing incompetently and the Board is cracking down”

**Respondent 6** – “More equitable representation on the BOL by licensed land surveyors. The BOL has made slow progress towards this equity.”

**Respondent 7** – “Surveyors not being involved in the field work of projects. Nothing”

**Respondent 8** – “No opinion”

**Respondent 9** – “I think the certification of GPS data needs to be addressed and direction for closure cert. for GPS surveys needs to be addressed.”

**Respondent 10** – “I am a dual registrant and feel as though the Surveyors want to exert too much authority over the Board. They do not need to be independent. The Board seems to cater to the Surveyors too much.”

**Respondent 11** – “Standards of practice for surveying”

**Respondent 12** – “I can't think of any at this time that the Board doesn't seem to be addressing. They seem to do a great job!”

**Respondent 13** – “I don't have any issues”

**Respondent 14** – “Changing technology - not sure of the board's actions. Having an adequate voice on the board to handle surveyor related topics only”

**Respondent 15** – “Makeup of board.”

**Respondent 16** – “I would like the Board to make the Public and Businesses more aware that it is unethical for Engineers and Surveyors to Bid on work. I have Businesses asking for Bids on work fairly frequent and when I explain the process in our Code of Ethics I never hear from them again.”

**Respondent 17** – “Non practicing surveyors on the board. They are out of touch with the average surveyor.”

**Respondent 18** – “Professional competence and ethics. Having a surveyor on the board.”

**Respondent 19** – “I think the current significant issue is the testing of new applicants”



## *Professional Land Surveyor Questionnaire*

**Respondent 20** – “I believe the Board is doing a good job addressing issues and I have found it easy enough to communicate with the Board staff about any concerns that I have had.”

**Respondent 22** – “No issues to my knowledge”

**Respondent 23** – “Need a public record database of GPS coordinates for all publicly recorded property corners. Don't know if is being addressed.”

**Respondent 24** – “The BOL investigating members having a lack of surveying knowledge and too much criminal. Land Surveyors are not crooks. Not protecting land surveyors work from being reused by the public or agencies without the knowledge or permission to use their surveys. The lack of the public getting and understanding the need for updated property surveys and that old surveys , out dated surveys do not protect them just the lending agencies, attorneys, and title companies, not the public and Land Surveyor. I feel the Board is doing little or nothing at all.”

**Respondent 25** – “Education time”

**Respondent 26** – “Education requirements for licensure”

**Respondent 27** – “More Surveying represented on the board. Stop GIS operator personnel from giving the public land information without telling them that there information is not a legal survey.”

**Respondent 28** – “Professionalism”

**Respondent 29** – “None”

**Respondent 30** – “The most significant issue facing Surveyors today is making surveyors relevant to the public welfare.”

**Respondent 31** – “None”

**Respondent 32** – “Not Sure”

**Respondent 33** – “Surveyors need their own board.”

**Respondent 34** – “The Land Surveyors should have a minimum of two members on the Board.”

**Respondent 35** – “No opinion”

**Respondent 36** – “I know of no significant issues facing the profession.”

**Respondent 37** – “Lack of work”

**Respondent 38** – “Unnecessary regulations that increase the cost for clients who have little resources”

**Respondent 39** – “Retirement of older surveyors with the practice being taken over by a new and younger generation. My hope is that these new surveyors have the public's best interest in mind and not the bottom line.”

**Respondent 40** – “Unlicensed practicing of land surveying is the issue that affects me most. I believe that the Board deals with any complaints or issues in a timely manner and keeps the public informed of its process and results of investigations.”

**Respondent 41** – “Control”

**Respondent 42** – “Maintaining a Professional presence in today's society in order to preserve the public trust of the engineers and surveyors. The Board reviews and evaluates complaints lodged against individual licensee and issues warnings and/or violations based on professional codes or ethics.”

**Did Not Respond**

3

*Professional Land Surveyor Questionnaire*

6. Has any member of the board or its staff asked for money (other than normal fees), services, or any other thing of value in return for performing a board service for you?

No	42	98%
No Opinion	1	2%

**Respondent 12** – “If they did, I would report them”

**Complaint Questionnaire**

Surveys were sent to 30 complainants of whom 13 responded. The percentages shown are based on the number who responded to the question.

**1. How was your complaint filed with the Alabama Board of Licensure for Professional Engineers and Land Surveyors?**

Mail	11	85%
Other	2	15%

**Respondent 5** – “By email”

**Respondent 12** – “I contacted the Board by phone prior to submitting the complaint.”

**2. Was receipt of your complaint acknowledged?**

Yes	13	100%
No	0	0%

**3. If your answer to Question 2 was “YES”, how long after you filed your complaint were you contacted by the board?**

Immediately	1	8%
<b>Within 10 days</b>	<b>10</b>	<b>76%</b>
Within 20 days	1	8%
More than 30 days	1	8%

**Respondent 4** – “I’m not sure exactly, but they were responsive.”

**Respondent 12** – “Do not remember the exact time, but definitely within 10 days and probably within 3-4 days.”

**4. Was the Board employee who responded to your complaint knowledgeable and courteous?**

Knowledgeable	1	8%
Courteous	1	8%
<b>Both</b>	<b>8</b>	<b>61%</b>
Neither	2	15%
Unknown	1	8%

**Respondent 1** – “I was only provided the Board's decision though a mail out response. Did not speak to anyone from the Board and was not told how the Board reached their decision.”

**Respondent 4** – “He was rather harsh and cold. Left me with a feeling that we had created an undue hardship by filing a complaint. I even offered to withdraw the complaint if it was creating too much of a hassle for him to deal with.”

**Respondent 6** – “The person I spoke with was nonprofessional, short spoken, and not courteous. He basically said fill out form and send in. I felt like by filling out complaint it was an imposition on them.”

**Respondent 7** – “The person that contacted me by phone made it clear to me that he was very much on the side of the surveyor. He was not looking for facts but was stating his opinion.”

**5. Did the board communicate the results of investigating your complaint to you?**

<b>Yes</b>	<b>13</b>	<b>100%</b>
No	0	0%

**Respondent 6** – “The letter stated they investigated the complaint and would take no action. No explanation, no reason, and did not offer any further help. I know they did not look into the complaint, because I listed two other engineers with the same complaint with addresses and phone numbers, and no-one contacted them.”

**6. Do you think the board did everything it could to resolve your complaint?**

<b>Yes</b>	<b>7</b>	<b>54%</b>
No	4	30%
Unknown	1	8%
No Opinion	1	8%

**Respondent 1** – “No. I still believe the Board's ruling was incorrect and felt certain that testimony would be a part of the complaint.”

**Respondent 6** – “No. I don't think they did anything. The board is non responsive to complaints. Before my first contact with the board, I spoke with a former investigator of the board who I have known for 30 years. I explained the situation. He felt the board could, and should help.”

**Respondent 7** – “No. The outcome was set, in my opinion, the day they received my complaint.”

**7. Were you satisfied with your dealings with the Alabama Board of Licensure for Professional Engineers and Land Surveyors?**

<b>Yes</b>	<b>5</b>	<b>38%</b>
<b>No</b>	<b>7</b>	<b>54%</b>
No Opinion	1	8%

**Respondent 1** – “No. I still believe the ruling was incorrect and that inappropriate and unethical practices were being used during the negotiation process between the consultant and the Department of Transportation. The supporting documentation and cancelled checks by the sub consultant provide a clear paper trail that showed the prime consultant was not identifying their sub consultant during the negotiation process. I was extremely disappointed with the final ruling, mainly because there was no explanation from the Board as to how their ruling was determined.

## *Complaint Questionnaire*

I'm bound by the Code we follow as professional engineers to report matters such as this but am not certain I would go through mental anguish of doing this again should I ever face something like this again. I feel the Board did little in investigating this case and that politics interfered with the Board being able to investigate this case thoroughly.”

**Respondent 3** – “No. Board "cautioned" individual to not present himself or firm as an engineer. According to said individual...individual and firm had already made millions of dollars by professing to be engineers for years and the Board took no further action than a hand slap.”

**Respondent 4** – “No. We won't file another complaint with the Board for the simple fact that if this case wasn't a clear violation of the Code, then nothing is. We have too much respect for the individual Board Members who volunteer their time.”

**Respondent 5** – “No. The board investigator seemed to do all that he could in the situation, but he was severely hampered by his lack of authority to compel information from an uncooperative party. In the end, this made my complaint essentially pointless. Also, I felt that I was treated with a lack of equal protection under the law. He identified me, by name, to the defendant party, and his attorney. However, he would not identify to me the name of the defendant's attorney. So I now am known by my complaint to the attorney (and the defendant), but I cannot know the attorney - whose path I may someday cross. This is fundamentally unfair. If these are going to be the rules played by, you can be sure I will second-guess any future complaints I may be tempted to make. This policy undercuts the incentive to keep the practice of engineering ethical. This practice works against ethics monitoring - not for it.”

**Respondent 6** – “No. Should you like to further discuss the matter please do contact me. I expect this is just a survey that does nothing but put some stats out that does nothing, or promote quality, and honest engineers.”

**Respondent 7** – “No. This was a sham!!”

## **APPENDICES**

### **Professional Services by Vendor**

<b>Vendor</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>Total</b>	
<b>Access Information Management</b>						
Security & Monitoring	-	-	-	340.32		
<b>Total</b>					<b>\$ 340.32</b>	
<b>AL Criminal Justice Information Ctr.</b>						
Education/Training Consultants	-	-	-	295.00		
<b>Total</b>					<b>\$ 295.00</b>	
<b>ACO Information Services</b>						
Data Processing	9,022.00	9,652.00	5,163.82	-		
<b>Total</b>					<b>\$23,837.82</b>	
<b>AL Association of Regulatory Boards</b>						
Education/Training Consultants	520.00	225.00	225.00	-		
<b>Total</b>					<b>\$ 970.00</b>	
<b>AL Society of Pro. Land Surveyors</b>						
Education/Training Consultants	1,300.00	740.00	-	820.00		
<b>Total</b>					<b>\$ 2,860.00</b>	
<b>AL Legislative Reading &amp; Research</b>						
Information & Research	1,650.00	1,980.00	1,925.00	1,675.00		
<b>Total</b>					<b>\$ 7,230.00</b>	
<b>AL Chapter Soil &amp; Water</b>						
Education/Training Consultants	-	-	-	170.00		
<b>Total</b>					<b>\$ 170.00</b>	
<b>Arthur F Christy</b>						
Photographic Services	-	-	-	190.00		
<b>Total</b>					<b>\$ 190.00</b>	
<b>Assoc. of County Engineers of AL</b>						
Education/Training Consultants	-	-	-	300.00		
<b>Total</b>					<b>\$ 300.00</b>	
<b>Attorney General's Office</b>						
Legal	10,000.00	10,000.00	10,000.00	10,000.00		
<b>Total</b>					<b>\$40,000.00</b>	
<b>Auburn University Montgomery</b>						
Education/Training Consultants	-	358.00	-	-		
Information & Research	-	5,000.00	-	-		
<b>Total</b>					<b>\$ 5,358.00</b>	
<b>Bain &amp; Associates</b>						
Court Reporter	-	-	217.54	1,047.50		
<b>Total</b>					<b>\$ 1,265.04</b>	
<b>CLEAR</b>						
Education/Training Consultants	800.00	60.00	-	-		
<b>Total</b>					<b>\$ 860.00</b>	

<b>Council on Licensure</b>						
Education/Training Consultants	-	485.00	850.00	60.00		
<b>Total</b>					<b>\$ 1,395.00</b>	
<b>Dana H. Billingsley, Esq.</b>						
Legal	3,924.08	5,817.06	4,637.90	3,770.55		
<b>Total</b>					<b>\$ 18,149.59</b>	
<b>Databank Business Services</b>						
Security & Monitoring	567.88	1,172.60	1,292.63	593.04		
<b>Total</b>					<b>\$ 3,626.15</b>	
<b>Decatur Daily</b>						
Advertising	-	529.12	-	-		
<b>Total</b>					<b>\$ 529.12</b>	
<b>Department of Finance</b>						
Data Processing	5,196.94	9,133.66	9,079.86	8,398.79		
Mailing Services	356.00	126.46	78.08	40.45		
FRMS Services	3,564.57	3,086.33	3,342.70	3,379.84		
Finance & IT Planning/Oversight	300.00	300.00	550.00	510.00		
<b>Total</b>					<b>\$ 47,443.68</b>	
<b>Federation of Assoc. of Reg. Boards</b>						
Education/Training Consultants	4,880.00	4,595.00	1,110.00	2,460.00		
<b>Total</b>					<b>\$ 13,045.00</b>	
<b>Freedom Court Reporting</b>						
Court Reporter	-	-	-	236.50		
<b>Total</b>					<b>\$ 236.50</b>	
<b>Gordon L. Davis</b>						
Engineering Services	11,350.00	-	13,410.00	-		
<b>Total</b>					<b>\$ 24,760.00</b>	
<b>Govt. Finance Officers Assoc.</b>						
Education/Training Consultants	-	-	-	295.00		
<b>Total</b>					<b>\$ 295.00</b>	
<b>Iron Data Solutions</b>						
Data Processing	-	-	5,163.82	24,702.64		
<b>Total</b>					<b>\$ 29,866.46</b>	
<b>Legislative Reference Service</b>						
Advertising	270.00	180.00	3,730.00	190.00		
<b>Total</b>					<b>\$ 4,370.00</b>	
<b>Mediation Media</b>						
Education/Training Consultants	775.00	-	-	-		
<b>Total</b>					<b>\$ 775.00</b>	
<b>Montgomery AGA</b>						
Education/Training Consultants	-	-	40.00	-		
<b>Total</b>					<b>\$ 40.00</b>	
<b>NCEES - Exams</b>						
Education/Training Consultants	243,450.00	279,795.00	273,730.00	3,150.00		
<b>Total</b>					<b>\$ 800,125.00</b>	
<b>National Property Management</b>						
Education/Training Consultants	75.00	-	-	-		
<b>Total</b>					<b>\$ 75.00</b>	





Act 2014-375

ACT #2014-375

1 SB40  
2 155480-3  
3 By Senator Allen  
4 RFD: Governmental Affairs  
5 First Read: 14-JAN-14  
6 PFD: 11/15/2013



1 SB40

2  
3  
4 ENROLLED, An Act,

5 To amend Sections 34-11-1, 34-11-4, 34-11-6,  
6 34-11-30, and 34-11-34, Code of Alabama 1975, relating to the  
7 practice of engineering and land surveying; to require that  
8 certain applicants for licensure pass a board approved  
9 examination in lieu of an eight-hour written examination; to  
10 authorize the board to contract with an independent testing  
11 agency; to provide that two members of the board be nominated  
12 by the Alabama Society of Professional Land Surveyors for  
13 appointment by the Governor; and to provide that a simple  
14 majority of board members is a quorum.

15 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

16 Section 1. Sections 34-11-1, 34-11-4, 34-11-6,  
17 34-11-30, and 34-11-34 of the Code of Alabama 1975, are  
18 amended to read as follows:

19 "§34-11-1.

20 "For the purposes of this chapter, the following  
21 words and phrases shall have the respective meanings ascribed  
22 by this section:

23 "(1) BOARD. The State Board of Licensure for  
24 Professional Engineers and Land Surveyors, provided for by  
25 Section 34-11-30.

1           "(2) ENGINEER INTERN. A person who has qualified  
2 under subdivision (2) of Section 34-11-4, and who, in  
3 addition, has successfully passed ~~an eight-hour written a~~  
4 board approved examination in the fundamental engineering  
5 subjects as provided in Section 34-11-6, and who has been  
6 certified by the board as an engineer intern.

7           "(3) ENGINEER or PROFESSIONAL ENGINEER. A person  
8 who, by reason of his or her special knowledge of the  
9 mathematical and physical sciences and the principles and  
10 methods of engineering analysis and design, acquired by  
11 engineering education and engineering experience, is qualified  
12 to practice engineering as hereinafter defined and has been  
13 licensed by the board as a professional engineer.

14           "(4) LAND SURVEYOR INTERN. A person who has  
15 qualified under subdivision (4) of Section 34-11-4, has passed  
16 ~~an a board approved~~ examination in the fundamental land  
17 ~~surveyor intern~~ surveying subjects, pursuant to this chapter,  
18 and who has been certified by the board as a land surveyor  
19 intern.

20           "(5) LAND SURVEYOR or PROFESSIONAL LAND SURVEYOR. A  
21 person who has been duly licensed as a professional land  
22 surveyor by the board established under this chapter, and who  
23 is a professional specialist in the technique of measuring  
24 land, is educated in the principles of mathematics, the  
25 related physical and applied sciences, the relevant

1 requirements of law for adequate evidence and all requisites  
2 for surveying of real property, and is qualified to practice  
3 land surveying as defined in subdivision (8).

4 "(6) PRACTICE and OFFER TO PRACTICE. Any person  
5 shall be construed to practice or offer to practice  
6 engineering or land surveying, within the meaning and intent  
7 of this chapter, who offers to or does as a profession  
8 practice any branch of engineering or land surveying; or who  
9 by verbal claim, sign, advertisement, letterhead, card, or in  
10 any other way represents himself or herself to be a  
11 professional engineer or a professional land surveyor, or  
12 through the use of some other title implies that he or she is  
13 a professional engineer or a professional land surveyor; or  
14 who represents himself or herself as able to perform or who  
15 does perform any engineering or land surveying service or work  
16 or any other service designated by the practitioner which is  
17 recognized as engineering or land surveying.

18 "(7) PRACTICE OF ENGINEERING. Any professional  
19 service or creative work, the adequate performance of which  
20 requires engineering education, training, and experience in  
21 the application of special knowledge of the mathematical,  
22 physical, and engineering sciences to such services or  
23 creative work as consultation, investigation, evaluation,  
24 planning, design and design coordination of engineering works  
25 and systems, planning the use of land and water, performing

1        engineering surveys and studies, and the review of  
2        construction or other design products for the purpose of  
3        monitoring compliance with drawings and specifications; any of  
4        which embraces such services or work, either public or  
5        private, in connection with any utilities, structures,  
6        buildings, machines, equipment, processes, work systems,  
7        projects, and industrial or consumer products; equipment of a  
8        control, communications, computer, mechanical, electrical,  
9        hydraulic, pneumatic, or thermal nature, insofar as they  
10       involve safeguarding life, health, or property; and including  
11       other professional services necessary to the planning,  
12       progress, and completion of any engineering services.

13                "Notwithstanding any other provision of this  
14       chapter, in qualifying a witness to offer expert testimony on  
15       the practice of engineering, the court shall consider as  
16       evidence of his or her expertise whether the proposed witness  
17       holds a valid Alabama license for the practice of engineering.  
18       Provided, however, such qualification by the court shall not  
19       be withheld from an otherwise qualified witness solely on the  
20       basis of the failure of the proposed witness to hold such  
21       valid Alabama license.

22                "a. Design coordination includes the review and  
23       coordination of those technical submissions prepared by  
24       others, including, as appropriate and without limitations,  
25       consulting engineers, architects, landscape architects, land

1        surveyors, and other professionals working under the direction  
2        of the engineer.

3                "b. Engineering surveys include all survey  
4        activities required to support the sound conception, planning,  
5        design, construction, maintenance and operation of engineered  
6        projects, rights-of-way, and easement acquisitions relative to  
7        the centerline of the project. Engineering surveys may be used  
8        to locate, relocate, establish, reestablish, layout, or  
9        retrace any road, right-of-way, easement, or alignment  
10       relative to the centerline of the project. Additionally,  
11       engineering surveys may be performed to determine areas,  
12       volumes, or physical features of the earth, elevation of all  
13       real property, improvements on the earth, and the  
14       configuration or contour of the surface of the earth or the  
15       position of fixed objects thereon by measuring lines and  
16       angles and applying the principles of mathematics. All  
17       engineering surveys shall exclude the surveying of real  
18       property for the establishment of any property line or land  
19       boundaries, setting of corners or monuments, and the dependent  
20       or independent surveys or resurveys of the public land survey  
21       system.

22                "c. The term shall not include the practice of  
23        architecture except such architectural work as is incidental  
24        to the practice of professional engineering; nor shall the

1 term include work ordinarily performed by persons who operate  
2 or maintain machinery or equipment.

3 "d. The practice of engineering shall include the  
4 offering of expert opinion in any legal proceeding in Alabama  
5 regarding work legally required to be performed under an  
6 Alabama engineer's license number or seal, which opinion may  
7 be given by an engineer licensed in any jurisdiction.

8 "(8) PRACTICE OF LAND SURVEYING. Professional  
9 services, including, but not limited to, consultation, project  
10 coordination, investigation, testimony, evaluation, planning,  
11 mapping, assembling, and interpreting reliable scientific  
12 measurements and information relative to the location, size,  
13 shape, areas, volumes, or physical features of the earth,  
14 improvements on the earth, the space above the earth, or any  
15 part of the earth, and the utilization and development of  
16 these acts and interpretation into an orderly survey map,  
17 plan, report, description, or project. Project coordination  
18 shall include the coordination of those technical submissions  
19 as prepared by others. Notwithstanding the provisions of this  
20 subdivision, the practice of land surveying shall exclude  
21 functions unique to engineering as specified by rules of the  
22 board. The practice of land surveying shall include, but is  
23 not limited to, any one or more of the following:

24 "a. Locates, relocates, establishes, reestablishes,  
25 lays out, or retraces any property line or boundary of any

1 tract of land or any road, right-of-way, easement, alignment,  
2 or elevation of all real property whether or not fixed works  
3 are sited or proposed to be sited on the property.

4 "b. Makes any survey for the subdivision of any  
5 tract of land or for condominiums.

6 "c. Determines, by the use of the principles of land  
7 surveying, the position for any survey, monument, or reference  
8 point; or sets, resets, or replaces any such monument or  
9 reference point.

10 "d. Determines the configuration or contour of the  
11 surface of the earth or the position of fixed objects thereon  
12 by measuring lines and angles and applying the principles of  
13 mathematics or photogrammetry.

14 "e. Geodetic surveying which includes surveying for  
15 determination of the size and shape of the earth both  
16 horizontally and vertically and the precise positioning of  
17 points on the earth utilizing angular and linear measurements  
18 through spatially oriented spherical geometry.

19 "f. Creates, prepares, or modifies electronic or  
20 computerized data, including land information systems and  
21 geographic land information systems, relative to the  
22 performance of the activities in paragraphs a. to e.,  
23 inclusive.

24 "(9) RESPONSIBLE CHARGE. Direct control and personal  
25 supervision of engineering work or land surveying work.



1                   "§34-11-4.

2                   "The board may approve engineering, land surveying,  
3 and related science programs which shall be accepted under the  
4 following criteria:

5                   "(1) PROFESSIONAL ENGINEER. The following shall be  
6 considered as minimum evidence satisfactory to the board that  
7 the applicant is qualified for licensure as a professional  
8 engineer:

9                   "a. Graduation and experience plus examination.

10                  "1. Graduation in an approved engineering curriculum  
11 plus four years experience. A graduate of an approved  
12 engineering curriculum of four years or more from a school or  
13 college approved by the board who has successfully passed the  
14 ~~eight-hour written~~ a board approved examination in the  
15 fundamental engineering subjects and who has a specific record  
16 of an additional four years or more of progressive experience  
17 in engineering work of a grade and character satisfactory to  
18 the board shall be admitted to ~~an eight-hour written~~ a board  
19 approved examination in the principles and practice of  
20 engineering. Upon passing this examination, the applicant  
21 shall be granted a certificate of licensure to practice  
22 engineering in this state, provided the applicant is otherwise  
23 qualified.

24                  "2. Graduation in an unapproved engineering  
25 curriculum plus six years experience. A graduate of an

1 unapproved engineering curriculum of four years or more who  
2 has successfully passed ~~the eight-hour written~~ a board  
3 approved examination in the fundamental engineering subjects  
4 and who has a specific record of an additional six years or  
5 more of progressive experience in engineering work of a grade  
6 and character satisfactory to the board shall be admitted to  
7 ~~an eight-hour written~~ a board approved examination in the  
8 principles and practice of engineering. Upon passing this  
9 examination, the applicant shall be granted a certificate of  
10 licensure to practice engineering in this state, provided the  
11 applicant is otherwise qualified.

12 "b. Comity. The board may, upon application, issue a  
13 certificate of licensure as a professional engineer to any  
14 person who holds a valid professional engineering certificate  
15 issued by any jurisdiction of the United States or of any  
16 country; provided, that the education, experience, and  
17 examination qualifications of the applicant are, in the  
18 judgment of the board, of a standard not lower than that  
19 specified in the applicable licensure act in effect in Alabama  
20 at the time such certificate was issued. The board may  
21 authorize an applicant to practice engineering on a temporary  
22 basis upon issuance of an interim permit which shall remain in  
23 effect until the board acts upon the application. The interim  
24 permit may be issued upon submission of documentation and a

1 fee which shall be established by the board, not to exceed  
2 fifty dollars (\$50).

3 "(2) ENGINEER INTERN. The following shall be  
4 considered as minimum evidence satisfactory to the board that  
5 the applicant is qualified for certification as an engineer  
6 intern:

7 "a. Graduation and examination. A graduate of an  
8 approved engineering curriculum of four years or more from a  
9 school or college approved by the board who has successfully  
10 passed ~~an eight hour written~~ a board approved examination in  
11 the fundamental engineering subjects shall be certified as an  
12 engineer intern, if otherwise qualified.

13 "b. Graduation and examination plus experience.  
14 Graduation in an unapproved engineering curriculum plus two  
15 years experience. A graduate of an unapproved engineering  
16 curriculum of four years or more who has successfully passed  
17 ~~an eight hour written~~ a board approved examination in the  
18 fundamental engineering subjects and who has a specific record  
19 of two years or more of progressive experience in engineering  
20 work of a grade and character satisfactory to the board shall  
21 be certified as an engineer intern, if otherwise qualified.

22 "c. Comity. The education, experience, and  
23 examination qualifications of the applicant are, in the  
24 judgment of the board, of a standard not lower than that  
25 specified in the applicable licensure act in effect in Alabama

1 at the time such certificate was issued. Fundamentals of  
2 engineering examinations of comparable character taken and  
3 passed in another jurisdiction may be accepted by the board.

4 "(3) PROFESSIONAL LAND SURVEYOR. The following shall  
5 be considered as minimum evidence satisfactory to the board  
6 that the applicant is qualified for licensure as a  
7 professional land surveyor.

8 "a. Graduation and experience plus examination.

9 "1. Graduation in an approved land surveying  
10 curriculum plus four years experience. A graduate of an  
11 approved land surveying curriculum of four years or more  
12 including a minimum of 30 semester hours or 45 quarter hours  
13 of surveying courses from a school or college approved by the  
14 board who has successfully passed ~~an eight-hour written a~~  
15 board approved examination in the fundamental land surveying  
16 subjects and who has a specific record of an additional four  
17 years or more of combined office and field experience in land  
18 surveying work of a grade and character satisfactory to the  
19 board shall be admitted to a ~~six-hour written~~ board approved  
20 examination in the principles and practice of land surveying  
21 and a ~~two-hour written~~ board approved examination on laws,  
22 procedures, and practices pertaining to land surveying in  
23 ~~Alabama~~ this state. Upon passing these examinations, the  
24 applicant shall be granted a certificate of licensure to

1 practice land surveying in this state, provided the applicant  
2 is otherwise qualified.

3 "2. Graduation in an approved curriculum related to  
4 surveying plus six years experience. A graduate of a  
5 curriculum related to surveying of four years or more  
6 including a minimum of 15 semester hours or 22.5 quarter hours  
7 of surveying courses from a school or college approved by the  
8 board and who has successfully passed ~~the eight-hour written a~~  
9 board approved examination in the fundamental land surveying  
10 subjects and who has a specific record of an additional six  
11 years or more of progressive office and field experience in  
12 land surveying work of a grade and character satisfactory to  
13 the board shall be admitted to a ~~six-hour~~ board approved  
14 examination in the principles and practice of land surveying  
15 and a ~~two-hour written~~ board approved examination of laws,  
16 procedures, and practices pertaining to land surveying in  
17 ~~Alabama~~ this state. Upon passing these examinations, the  
18 applicant shall be granted a certificate of licensure to  
19 practice land surveying in this state, provided the applicant  
20 is otherwise qualified.

21 "3. Graduation in a related science curriculum plus  
22 eight years experience. A graduate of a related science  
23 curriculum of four years or more from a school or college  
24 approved by the board who has successfully passed ~~the~~  
25 ~~eight-hour written~~ a board approved examination in the

1 fundamental land surveying subjects and who has a specific  
2 record of an additional eight years or more of progressive  
3 combined office and field experience in land surveying work of  
4 a grade and character satisfactory to the board shall be  
5 admitted to a ~~six-hour~~ board approved examination in the  
6 principles and practice of land surveying and a ~~two-hour~~  
7 written board approved examination of laws, procedures, and  
8 practices pertaining to land surveying in ~~Alabama~~ this state.  
9 Upon passing these examinations, the applicant shall be  
10 granted a certificate of licensure to practice land surveying  
11 in this state, provided the applicant is otherwise qualified.

12 ~~"b. Experience plus examination. Before December 31,~~  
13 ~~2007, an applicant who has a specific record of eight years or~~  
14 ~~more of combined office and field experience in land surveying~~  
15 ~~work of a grade and character satisfactory to the board shall~~  
16 ~~be admitted to an eight-hour written examination in the~~  
17 ~~fundamentals of land surveying, and after passing the~~  
18 ~~fundamentals examination shall be admitted to a six-hour~~  
19 ~~written examination in the principles and practice of land~~  
20 ~~surveying and a two-hour written examination on laws,~~  
21 ~~procedures, and practices pertaining to land surveying in~~  
22 ~~Alabama. Upon passing these examinations, the applicant shall~~  
23 ~~be granted a certificate of licensure to practice land~~  
24 ~~surveying in this state, provided the applicant is otherwise~~  
25 ~~qualified.~~

1           "ch. Comity. The board ~~may~~, upon application, may  
2     grant to any person who holds a valid professional land  
3     surveying certificate issued by any jurisdiction of the United  
4     States or of any country, admission into a ~~two-hour-written~~  
5     board approved examination of laws, procedures, and practices  
6     pertaining to land surveying in ~~Alabama~~ this state, provided  
7     that the education, experience, and examination qualifications  
8     of the applicant are, in the judgment of the board, of a  
9     standard not lower than that specified in the applicable  
10    licensure act in effect in ~~Alabama~~ this state at the time such  
11    certificate was issued. Upon passing the examination, the  
12    applicant shall be granted a certificate of licensure to  
13    practice land surveying in this state, provided the applicant  
14    is otherwise qualified.

15           "(4) LAND SURVEYOR INTERN. The following shall be  
16    considered as minimum evidence satisfactory to the board that  
17    the applicant is qualified for certification as a land  
18    surveyor intern:

19           "a. Graduation plus examination. Graduation in an  
20    approved land surveying curriculum. A graduate of a land  
21    surveying curriculum of four years or more including a minimum  
22    of 30 semester hours or 45 quarter hours of surveying courses  
23    from a school or college approved by the board who has  
24    successfully passed ~~an eight-hour-written~~ board approved

1 examination in the fundamentals of land surveying shall be  
2 certified as a land surveyor intern, if otherwise qualified.

3 "b. Graduation and examination plus experience.

4 "1. Graduation in an approved curriculum related to  
5 surveying plus two years experience. A graduate of a  
6 curriculum related to surveying of four years or more  
7 including a minimum of 15 semester hours or 22.5 quarter hours  
8 of surveying courses from a school or college approved by the  
9 board who has successfully passed ~~an eight-hour-written~~ board  
10 approved examination in the fundamentals of land surveying and  
11 who has a specific record of an additional two years or more  
12 of combined office and field experience in land surveying work  
13 of a grade and character satisfactory to the board shall be  
14 certified as a land surveyor intern, if otherwise qualified.

15 "2. Graduation in a related science curriculum plus  
16 four years experience. A graduate of a related science  
17 curriculum of four years or more who has successfully passed  
18 ~~an eight-hour-written~~ a board approved examination in the  
19 fundamentals of land surveying and who has a specific record  
20 of an additional four years or more of combined office and  
21 field experience in land surveying work of a grade and  
22 character satisfactory to the board shall be certified as a  
23 land surveyor intern, if otherwise qualified.

24 "c. Comity. The education, experience, and  
25 examination qualifications of the applicant are, in the



1 judgment of the board, of a standard not lower than that  
2 specified in the applicable licensure act in effect in Alabama  
3 at the time such certificate was issued. The board may accept  
4 fundamentals of land surveying examinations of comparable  
5 character taken and passed in another jurisdiction.

6 "(5) CHARACTER. No person shall be eligible for  
7 licensure as a professional engineer, certification as an  
8 engineer intern, licensure as a professional land surveyor, or  
9 certification as a land surveyor intern who is not of good  
10 character and reputation.

11 "(6) TEACHING CREDITS. In considering the  
12 qualifications of applicants, teaching in an engineering  
13 curriculum approved by the board may be considered as  
14 engineering experience. Teaching land surveying subjects in a  
15 land surveying curriculum approved by the board may be  
16 considered as land surveying experience.

17 "(7) GRADUATE STUDY. In counting years of experience  
18 for professional engineer licensure, the board may give  
19 credit, not in excess of one year, for successful completion  
20 of graduate study leading to a master's degree in engineering.  
21 If a Ph.D. in engineering is completed, a total of two year's  
22 experience may be credited. The two-year credit shall include  
23 one year for the master's degree. If the Ph.D. is obtained  
24 without the master's degree, the credit for experience shall  
25 be two years. In counting years of experience for professional

1 land surveyor licensure, the board may give credit, not in  
2 excess of one year, for successful completion of graduate  
3 study leading to a master's degree in land surveying. If a  
4 Ph.D. in land surveying is completed, a total of two years'  
5 experience may be credited. The credit of two years shall  
6 include one year for the master's degree. If the Ph.D. is  
7 obtained without the master's degree, the credit for  
8 experience shall be two years.

9 "(8) NONPRACTICING APPLICANTS. Any person having the  
10 necessary qualifications prescribed in this chapter to entitle  
11 the applicant to licensure shall be eligible for licensure  
12 although the applicant may not be practicing engineering or  
13 land surveying at the time of making application.

14 "(9) RECOGNITION OF PREVIOUSLY TAKEN EXAMINATIONS.  
15 The board may accept fundamentals and principles and practice  
16 examinations of comparable character taken and passed in  
17 another jurisdiction.

18 "\$34-11-6.

19 "(a) Examinations shall be held at such times and  
20 places as the board determines and upon payment of an  
21 examination fee.

22 "(b) When examinations are required on fundamental  
23 subjects, the applicant shall be permitted to take this part  
24 of the professional examination as specified by rules of the

1 board. A candidate failing an examination may apply for  
2 reexamination under guidelines established by the board.

3 "(c) When examinations are required on applied  
4 subjects, the applicant shall be permitted to take this part  
5 of the professional examination as specified by guidelines  
6 established by the board. The scope of the examination and the  
7 methods of procedure shall be prescribed by the board with  
8 special reference to the applicant's ability to design and  
9 supervise engineering or land surveying works so as to protect  
10 the safety of life, health, and property. Examinations shall  
11 be given for the purpose of determining the qualifications of  
12 applicants for licensure separately in engineering and in land  
13 surveying. A candidate failing an examination may apply for  
14 reexamination under guidelines established by the board.

15 "(d) The fees for examination, ~~and reexamination,~~  
16 and administration of the examination on the laws, procedures,  
17 and practices pertaining to land surveying in this state shall  
18 be set by the board ~~and shall not exceed three hundred dollars~~  
19 ~~(\$300).~~

20 "(e) The board may contract with an independent  
21 testing agency to prepare, grade, or conduct the required  
22 examinations. For those examinations so designated by the  
23 board, the applicant shall pay the examination fees directly  
24 to the board authorized testing agency. The examination fee

1     for the examination on Alabama land surveying laws,  
2     procedures, and practices shall be paid directly to the board.

3             "\$34-11-30.

4             "(a) A State Board of Licensure for Professional  
5     Engineers and Land Surveyors is created. It shall be the duty  
6     of the board to administer this chapter. The board shall  
7     consist of five professional engineers and two professional  
8     land surveyors, ~~each of whom~~. Commencing on the effective date  
9     of the act amending this section, the five professional  
10    engineers shall be appointed by the Governor from a list of  
11    three persons nominated for each appointment by a committee  
12    and the two land surveyors shall be appointed by the Governor  
13    from a list of three persons nominated for each appointment by  
14    the Alabama Society of Professional Land Surveyors.  
15    Nominations shall be made to the Governor by the committee or  
16    the Alabama Society of Professional Land Surveyors,  
17    respectively, as vacancies on the board occur, whether by the  
18    expiration of a term or otherwise, in a position filled by a  
19    professional engineer or land surveyor, respectively. To the  
20    extent possible, the nominating committee, the Alabama Society  
21    of Professional Land Surveyors, and the Governor shall select  
22    those persons whose appointments ensure that the membership of  
23    the board is inclusive and reflects the racial, gender,  
24    geographic, urban/rural, and economic diversity of the state.

1           "(b) the nominating committee shall consist of one  
2 professional engineer ~~or professional land surveyor,~~  
3 ~~respectively,~~ appointed or elected by each of the professional  
4 organizations as outlined in the rules of the board. Any other  
5 organization in the state having membership qualifications  
6 comparable to those professional organizations outlined in the  
7 rules of the board may petition the board for membership on  
8 the committee. The board, by rule, may establish nominating  
9 committee operating guidelines and, by rule, may establish  
10 procedures for the removal of nonparticipating members of the  
11 nominating committee. Nominees shall have the qualifications  
12 required by Section 34-11-31. Nominations shall be made by a  
13 majority vote of the committee present at the same time at a  
14 meeting called by the executive director of the board, who  
15 shall advise the above named societies of the meeting at least  
16 30 days before the meeting is held.

17           "(c) Each member of the board, before beginning his  
18 or her term of office, shall file with the Secretary of State  
19 his or her written oath or affirmation for the faithful  
20 discharge of his or her official duties. The members of the  
21 board shall continue to serve under this chapter until their  
22 respective terms expire. On the expiration of the term of each  
23 member, the Governor shall in the manner provided in this  
24 section appoint for a term of five years a professional  
25 engineer or professional land surveyor having the

1 qualifications required by Section 34-11-31 to take the place  
2 of the member whose term on the board is about to expire.  
3 Vacancies occurring during a term shall be filled by  
4 appointment by the Governor, in the manner provided in this  
5 section, for the unexpired term. Each member shall hold office  
6 until the expiration of the term for which the member is  
7 appointed or until a successor is duly appointed and  
8 qualified.

9 "§34-11-34.

10 "The board shall hold at least two regular meetings  
11 each year. The two regular meetings of the board shall be held  
12 in the City of Montgomery, Alabama. The legal office of the  
13 board shall be located in the City of Montgomery. Special  
14 meetings shall be held at the time and place as the rules of  
15 the board may provide. Notice of all meetings shall be given  
16 as the rules provide. The board shall elect or appoint  
17 annually the following officers: A chair, a vice chair, and a  
18 secretary. A quorum of the board shall consist of ~~not less~~  
19 ~~than three members~~ a simple majority of the board membership."

20 Section 2. This act shall become effective on the  
21 first day of the third month following its passage and  
22 approval by the Governor, or its otherwise becoming law.

1

2

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4

Kay Ivey  
President and Presiding Officer of the Senate

5

6

[Signature]  
Speaker of the House of Representatives

7

SB40

8

Senate 06-FEB-14

9

I hereby certify that the within Act originated in and passed  
the Senate, as amended.

10

11

12

Patrick Harris  
Secretary

13

14

15

16

17

House of Representatives

18

Passed: 01-APR-14

19

20

21

By: Senator Allen

APPROVED April 9, 2014

TIME 7:10 a.m.

Robert Bentley  
GOVERNOR

Alabama Secretary Of State

Act Num....: 2014-375  
Bill Num...: S-40

Recv'd 04/09/14 09:16amSLF

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## **Current Statutes**

### **CHAPTER 11. ENGINEERS AND LAND SURVEYORS.**

#### **ARTICLE 1. GENERAL PROVISIONS.**

§ 34-11-1. Definitions. *Current through the end of the 2013 Regular Session.*

For the purposes of this chapter, the following words and phrases shall have the respective meanings ascribed by this section:

(1) Board. The State Board of Licensure for Professional Engineers and Land Surveyors, provided for by Section 34-11-30.

(2) Engineer intern. A person who has qualified under subdivision (2) of Section 34-11-4, and who, in addition, has successfully passed an eight-hour written examination in the fundamental engineering subjects as provided in Section 34-11-6, and who has been certified by the board as an engineer intern.

(3) Engineer or professional engineer. A person who, by reason of his or her special knowledge of the mathematical and physical sciences and the principles and methods of engineering analysis and design, acquired by engineering education and engineering experience, is qualified to practice engineering as hereinafter defined and has been licensed by the board as a professional engineer.

(4) Land surveyor intern. A person who has qualified under subdivision (4) of Section 34-11-4, has passed an examination in the fundamental land surveyor intern subjects, pursuant to this chapter, and who has been certified by the board as a land surveyor intern.

(5) Land surveyor or professional land surveyor. A person who has been duly licensed as a professional land surveyor by the board established under this chapter, and who is a professional specialist in the technique of measuring land, is educated in the principles of mathematics, the related physical and applied sciences, the relevant requirements of law for adequate evidence and all requisites for surveying of real property, and is qualified to practice land surveying as defined in subdivision (8).

(6) Practice and offer to practice. Any person shall be construed to practice or offer to practice engineering or land surveying, within the meaning and intent of this chapter, who offers to or does as a profession practice any branch of engineering or land surveying; or who by verbal claim, sign, advertisement, letterhead, card, or in any other way represents himself or herself to be a professional engineer or a professional land surveyor, or through the use of some other title implies that he or she is a professional engineer or a professional land surveyor; or who represents himself or herself as able to perform or who does perform any engineering or land surveying service or work or any other service designated by the practitioner which is recognized as engineering or land surveying.

(7) Practice of engineering. Any professional service or creative work, the adequate performance of which requires engineering education, training, and experience in the application of special knowledge of the mathematical, physical, and engineering sciences to such services or creative work as consultation, investigation, evaluation, planning, design and design coordination of engineering works and systems, planning the use of land and water, performing engineering surveys and studies, and the review of construction or other design products for the purpose of monitoring compliance with drawings and specifications; any of which embraces such services or



work, either public or private, in connection with any utilities, structures, buildings, machines, equipment, processes, work systems, projects, and industrial or consumer products; equipment of a control, communications, computer, mechanical, electrical, hydraulic, pneumatic, or thermal nature, insofar as they involve safeguarding life, health, or property; and including other professional services necessary to the planning, progress, and completion of any engineering services.

Notwithstanding any other provision of this chapter, in qualifying a witness to offer expert testimony on the practice of engineering, the court shall consider as evidence of his or her expertise whether the proposed witness holds a valid Alabama license for the practice of engineering. Provided, however, such qualification by the court shall not be withheld from an otherwise qualified witness solely on the basis of the failure of the proposed witness to hold such valid Alabama license.

a. Design coordination includes the review and coordination of those technical submissions prepared by others, including, as appropriate and without limitations, consulting engineers, architects, landscape architects, land surveyors, and other professionals working under the direction of the engineer.

b. Engineering surveys include all survey activities required to support the sound conception, planning, design, construction, maintenance and operation of engineered projects, rights-of-way, and easement acquisitions relative to the centerline of the project. Engineering surveys may be used to locate, relocate, establish, reestablish, layout, or retrace any road, right-of-way, easement, or alignment relative to the centerline of the project. Additionally, engineering surveys may be performed to determine areas, volumes, or physical features of the earth, elevation of all real property, improvements on the earth, and the configuration or contour of the surface of the earth or the position of fixed objects thereon by measuring lines and angles and applying the principles of mathematics. All engineering surveys shall exclude the surveying of real property for the establishment of any property line or land boundaries, setting of corners or monuments, and the dependent or independent surveys or resurveys of the public land survey system.

c. The term shall not include the practice of architecture except such architectural work as is incidental to the practice of professional engineering; nor shall the term include work ordinarily performed by persons who operate or maintain machinery or equipment.

d. The practice of engineering shall include the offering of expert opinion in any legal proceeding in Alabama regarding work legally required to be performed under an Alabama engineer's license number or seal, which opinion may be given by an engineer licensed in any jurisdiction.

(8) Practice of land surveying. Professional services, including, but not limited to, consultation, project coordination, investigation, testimony, evaluation, planning, mapping, assembling, and interpreting reliable scientific measurements and information relative to the location, size, shape, areas, volumes, or physical features of the earth, improvements on the earth, the space above the earth, or any part of the earth, and the utilization and development of these acts and interpretation into an orderly survey map, plan, report, description, or project. Project coordination shall include the coordination of those technical submissions as prepared by others. Notwithstanding the provisions of this subdivision, the practice of land surveying shall exclude functions unique to engineering as specified by rules of the board. The practice of land surveying shall include, but is not limited to, any one or more of the following:

a. Locates, relocates, establishes, reestablishes, lays out, or retraces any property line or boundary of any tract of land or any road, right-of-way, easement, alignment, or elevation of

all real property whether or not fixed works are sited or proposed to be sited on the property.

b. Makes any survey for the subdivision of any tract of land or for condominiums.

c. Determines, by the use of the principles of land surveying, the position for any survey, monument, or reference point; or sets, resets, or replaces any such monument or reference point.

d. Determines the configuration or contour of the surface of the earth or the position of fixed objects thereon by measuring lines and angles and applying the principles of mathematics or photogrammetry.

e. Geodetic surveying which includes surveying for determination of the size and shape of the earth both horizontally and vertically and the precise positioning of points on the earth utilizing angular and linear measurements through spatially oriented spherical geometry.

f. Creates, prepares, or modifies electronic or computerized data, including land information systems and geographic land information systems, relative to the performance of the activities in paragraphs a. to e., inclusive.

(9) Responsible charge. Direct control and personal supervision of engineering work or land surveying work.

#### CREDIT(S)

(Acts 1961, Ex. Sess., No. 79, p. 1976, § 2; Acts 1967, No. 739, p. 1576, § 1; Acts 1997, No. 97-683, p. 1332, § 1; Act 2002-514, p. 1323, § 1; Acts 2007-365, p. 715, § 1.)

§ 34-11-2. Practice of engineering and land surveying regulated. *Current through the end of the 2013 Regular Session.*

(a) No person in either public or private capacity shall practice or offer to practice engineering or land surveying, unless he or she shall first have submitted evidence that he or she is qualified so to practice and shall be licensed by the board as hereinafter provided or unless he or she is specifically exempted from licensure under this chapter.

(b) In order to safeguard life, health, and property, and to promote the public welfare, the practice of engineering in this state is a learned profession to be practiced and regulated as such, and its practitioners in this state shall be held accountable to the state and members of the public by high professional standards in keeping with the ethics and practices of the other learned professions in this state. It shall be unlawful for any person to practice or offer to practice engineering in this state, as defined by this chapter, or to use in connection with his or her name or otherwise assume, use, or advertise any title or description including, but not limited to, the terms engineer, engineers, engineering, professional engineer, professional engineers, professional engineering, or any modification or derivative thereof, tending to convey the impression that he or she is a professional engineer unless the person has been duly licensed or is exempt from licensure under this chapter. A person whose firm name shall have contained the word "engineer," "engineers," or "engineering," or words of like import, for more than 15 years before September 12, 1966, shall not be prohibited from continuing the use of such word or words in his or her firm name.

(c) In order to safeguard life, health, and property and to promote the public welfare, the practice of land surveying in this state is a learned profession to be practiced and regulated as such, and its practitioners in this state shall be held accountable to the state and members of the public by high professional standards in keeping with the ethics and practices of the other learned professions in this state. It shall be unlawful for any person to practice or offer to practice land surveying in this state, as defined by this chapter, or to use in connection with his or her name or otherwise assume, use, or advertise any title or description including, but not limited to, the terms land surveyor, land surveyors, land surveying, professional land surveyor, professional land surveyors, professional land surveying,

or any modification or derivative thereof, tending to convey the impression that he or she is a professional land surveyor unless the person has been duly licensed or is exempt from licensure under this chapter.

(d) As used in this subsection, the term professional land surveyor shall include the agents, the employees, and any personnel under the supervision of a professional land surveyor.

(1) A professional land surveyor may go on, over, and upon the lands of others which is not enclosed by any device installed to deter entry to or exit from industrial facilities or plant sites by humans or vehicles, if necessary to perform surveys for the location of section corners, quarter corners, property corners, boundary lines, rights-of-way, and easements, and may carry and utilize equipment and vehicles. Entry under the right granted in this subdivision shall not constitute trespass. A professional land surveyor shall not be liable to arrest or to a civil action for trespass by reason of this entry.

(2) Nothing in this subsection shall be construed as giving authority to a professional land surveyor to destroy, injure, damage, or move anything on the lands of another without the written permission of the landowner and nothing in this section shall be construed as removing civil liability for the damages.

(3) A professional land surveyor shall make reasonable effort to notify adjoining landowners upon whose land it is necessary to enter.

(4) No owner or occupant of the land shall be liable for any injury or damage sustained by any person entering upon his or her land under this subsection.

(5) Nothing in this subsection shall limit the rights of condemning authorities under Sections 18-1A-50 to 18-1A-55, inclusive.

#### CREDIT(S)

(Acts 1961, Ex. Sess., No. 79, p. 1976, § 1; Acts 1966, Ex. Sess., No. 329, p. 462, § 1; Acts 1984, 1st Ex. Sess., No. 84-792, p. 182, § 1; Acts 1997, No. 97-683, p. 1332, § 1; Act 2004-501, p. 954, § 1.)

#### § 34-11-3. Roster of registrants. *Current through the end of the 2013 Regular Session.*

A roster showing the names and addresses of all licensed professional engineers, all professional land surveyors, and all who possess current certifications as engineer interns or land surveyor interns shall be prepared by the executive director of the board at intervals as established by the board. Copies of this roster shall be made available to each person licensed or certified, placed on file with the Secretary of State, and may be distributed or sold to the public upon request.

#### CREDIT(S)

(Acts 1961, Ex. Sess., No. 79, p. 1976, § 11; Acts 1975, No. 1049, p. 2107, § 1; Acts 1997, No. 97-683, p. 1332, § 1.)

#### § 34-11-4. General requirements for licensure or certification. *Current through the end of the 2013 Regular Session.*

The board may approve engineering, land surveying, and related science programs which shall be accepted under the following criteria:

(1) Professional engineer. The following shall be considered as minimum evidence satisfactory to the board that the applicant is qualified for licensure as a professional engineer:

a. *Graduation and experience plus examination.*

1. Graduation in an approved engineering curriculum plus four years experience. A graduate of an approved engineering curriculum of four years or more from a school or college approved by the board who has successfully passed the eight-hour written examination in the fundamental engineering subjects and who has a specific record of an additional four years or more of progressive experience in engineering work of a grade and

character satisfactory to the board shall be admitted to an eight-hour written examination in the principles and practice of engineering. Upon passing this examination, the applicant shall be granted a certificate of licensure to practice engineering in this state, provided the applicant is otherwise qualified.

2. Graduation in an unapproved engineering curriculum plus six years experience. A graduate of an unapproved engineering curriculum of four years or more who has successfully passed the eight-hour written examination in the fundamental engineering subjects and who has a specific record of an additional six years or more of progressive experience in engineering work of a grade and character satisfactory to the board shall be admitted to an eight-hour written examination in the principles and practice of engineering. Upon passing this examination, the applicant shall be granted a certificate of licensure to practice engineering in this state, provided the applicant is otherwise qualified.

b. *Comity.* The board may, upon application, issue a certificate of licensure as a professional engineer to any person who holds a valid professional engineering certificate issued by any jurisdiction of the United States or of any country; provided, that the education, experience, and examination qualifications of the applicant are, in the judgment of the board, of a standard not lower than that specified in the applicable licensure act in effect in Alabama at the time such certificate was issued. The board may authorize an applicant to practice engineering on a temporary basis upon issuance of an interim permit which shall remain in effect until the board acts upon the application. The interim permit may be issued upon submission of documentation and a fee which shall be established by the board, not to exceed fifty dollars (\$50).

(2) Engineer intern. The following shall be considered as minimum evidence satisfactory to the board that the applicant is qualified for certification as an engineer intern:

a. *Graduation and examination.* A graduate of an approved engineering curriculum of four years or more from a school or college approved by the board who has successfully passed an eight-hour written examination in the fundamental engineering subjects shall be certified as an engineer intern, if otherwise qualified.

b. *Graduation and examination plus experience.* Graduation in an unapproved engineering curriculum plus two years experience. A graduate of an unapproved engineering curriculum of four years or more who has successfully passed an eight-hour written examination in the fundamental engineering subjects and who has a specific record of two years or more of progressive experience in engineering work of a grade and character satisfactory to the board shall be certified as an engineer intern, if otherwise qualified.

c. *Comity.* The education, experience, and examination qualifications of the applicant are, in the judgment of the board, of a standard not lower than that specified in the applicable licensure act in effect in Alabama at the time such certificate was issued. Fundamentals of engineering examinations of comparable character taken and passed in another jurisdiction may be accepted by the board.

(3) Professional land surveyor. The following shall be considered as minimum evidence satisfactory to the board that the applicant is qualified for licensure as a professional land surveyor.

a. *Graduation and experience plus examination.*

1. Graduation in an approved land surveying curriculum plus four years experience. A graduate of an approved land surveying curriculum of four years or more including a minimum of 30 semester hours or 45 quarter hours of surveying courses from a school or college approved by the board who has successfully passed an eight-hour written

examination in the fundamental land surveying subjects and who has a specific record of an additional four years or more of combined office and field experience in land surveying work of a grade and character satisfactory to the board shall be admitted to a six-hour written examination in the principles and practice of land surveying and a two-hour written examination on laws, procedures, and practices pertaining to land surveying in Alabama. Upon passing these examinations, the applicant shall be granted a certificate of licensure to practice land surveying, provided the applicant is otherwise qualified.

2. Graduation in an approved curriculum related to surveying plus six years experience. A graduate of a curriculum related to surveying of four years or more including a minimum of 15 semester hours or 22.5 quarter hours of surveying courses from a school or college approved by the board and who has successfully passed the eight-hour written examination in the fundamental land surveying subjects and who has a specific record of an additional six years or more of progressive office and field experience in land surveying work of a grade and character satisfactory to the board shall be admitted to a six-hour examination in the principles and practice of land surveying and a two-hour written examination of laws, procedures, and practices pertaining to land surveying in Alabama. Upon passing these examinations, the applicant shall be granted a certificate of licensure to practice land surveying in this state, provided the applicant is otherwise qualified.

3. Graduation in a related science curriculum plus eight years experience. A graduate of a related science curriculum of four years or more from a school or college approved by the board who has successfully passed the eight-hour written examination in the fundamental land surveying subjects and who has a specific record of an additional eight years or more of progressive combined office and field experience in land surveying work of a grade and character satisfactory to the board shall be admitted to a six-hour examination in the principles and practice of land surveying and a two-hour written examination of laws, procedures, and practices pertaining to land surveying in Alabama. Upon passing these examinations, the applicant shall be granted a certificate of licensure to practice land surveying in this state, provided the applicant is otherwise qualified.

b. *Experience plus examination.* Before December 31, 2007, an applicant who has a specific record of eight years or more of combined office and field experience in land surveying work of a grade and character satisfactory to the board shall be admitted to an eight-hour written examination in the fundamentals of land surveying, and after passing the fundamentals examination shall be admitted to a six-hour written examination in the principles and practice of land surveying and a two-hour written examination on laws, procedures, and practices pertaining to land surveying in Alabama. Upon passing these examinations, the applicant shall be granted a certificate of licensure to practice land surveying in this state, provided the applicant is otherwise qualified.

c. *Comity.* The board may, upon application, grant to any person who holds a valid professional land surveying certificate issued by any jurisdiction of the United States or of any country, admission into a two-hour written examination of laws, procedures, and practices pertaining to land surveying in Alabama, provided that the education, experience, and examination qualifications of the applicant are, in the judgment of the board, of a standard not lower than that specified in the applicable licensure act in effect in Alabama at the time such certificate was issued. Upon passing the examination, the applicant shall be granted a certificate of licensure to practice land surveying in this state, provided the applicant is otherwise qualified.

(4) Land surveyor intern. The following shall be considered as minimum evidence satisfactory

to the board that the applicant is qualified for certification as a land surveyor intern:

a. *Graduation plus examination.* Graduation in an approved land surveying curriculum. A graduate of a land surveying curriculum of four years or more including a minimum of 30 semester hours or 45 quarter hours of surveying courses from a school or college approved by the board who has successfully passed an eight-hour written examination in the fundamentals of land surveying shall be certified as a land surveyor intern, if otherwise qualified.

b. *Graduation and examination plus experience.*

1. Graduation in an approved curriculum related to surveying plus two years experience. A graduate of a curriculum related to surveying of four years or more including a minimum of 15 semester hours or 22.5 quarter hours of surveying courses from a school or college approved by the board who has successfully passed an eight-hour written examination in the fundamentals of land surveying and who has a specific record of an additional two years or more of combined office and field experience in land surveying work of a grade and character satisfactory to the board shall be certified as a land surveyor intern, if otherwise qualified.

2. Graduation in a related science curriculum plus four years experience. A graduate of a related science curriculum of four years or more who has successfully passed an eight-hour written examination in the fundamentals of land surveying and who has a specific record of an additional four years or more of combined office and field experience in land surveying work of a grade and character satisfactory to the board shall be certified as a land surveyor intern, if otherwise qualified.

c. *Comity.* The education, experience, and examination qualifications of the applicant are, in the judgment of the board, of a standard not lower than that specified in the applicable licensure act in effect in Alabama at the time such certificate was issued. The board may accept fundamentals of land surveying examinations of comparable character taken and passed in another jurisdiction.

(5) Character. No person shall be eligible for licensure as a professional engineer, certification as an engineer intern, licensure as a professional land surveyor, or certification as a land surveyor intern who is not of good character and reputation.

(6) Teaching credits. In considering the qualifications of applicants, teaching in an engineering curriculum approved by the board may be considered as engineering experience. Teaching land surveying subjects in a land surveying curriculum approved by the board may be considered as land surveying experience.

(7) Graduate study. In counting years of experience for professional engineer licensure, the board may give credit, not in excess of one year, for successful completion of graduate study leading to a master's degree in engineering. If a Ph.D. in engineering is completed, a total of two years' experience may be credited. The two-year credit shall include one year for the master's degree. If the Ph.D. is obtained without the master's degree, the credit for experience shall be two years. In counting years of experience for professional land surveyor licensure, the board may give credit, not in excess of one year, for successful completion of graduate study leading to a master's degree in land surveying. If a Ph.D. in land surveying is completed, a total of two years' experience may be credited. The credit of two years shall include one year for the master's degree. If the Ph.D. is obtained without the master's degree, the credit for experience shall be two years.

(8) Nonpracticing applicants. Any person having the necessary qualifications prescribed in this chapter to entitle the applicant to licensure shall be eligible for licensure although the applicant may not be practicing engineering or land surveying at the time of making application.

(9) Recognition of previously taken examinations. The board may accept fundamentals and

principles and practice examinations of comparable character taken and passed in another jurisdiction.

**CREDIT(S)**

(Acts 1961, Ex. Sess., No. 79, p. 1976, § 12; Acts 1967, No. 739, p. 1576, § 1; Acts 1984, 1st Ex. Sess., No. 84-792, p. 182, § 1; Acts 1995, No. 95-282, p. 516, § 3; Acts 1997, No. 97-683, p. 1332, § 1; Act 2004-501, p. 954, § 1; Act 2009-642, p. 1975, § 1.)

§ 34-11-5. Applications; fees. *Current through the end of the 2013 Regular Session.*

(a) Applications for licensure as a professional engineer, professional land surveyor, engineer intern, or land surveyor intern shall be on forms prescribed and furnished by the board and shall contain statements made under oath. Three or more of the references contained in an application for licensure as a professional engineer shall be professional engineers having personal knowledge of the applicant's engineering experience. Three or more of the references contained in an application for professional land surveyor shall be professional land surveyors having personal knowledge of the land surveying experience of the applicant. All references and experience verifications furnished shall be confidential records of the board. Any individual who was previously licensed in this state and whose license is eligible for reinstatement as outlined in subsection (a) of Section 34-11-8 shall comply with the reinstatement procedures established by the board instead of the submission of a new application.

(b) The application fee and the licensure fee for professional engineers or professional land surveyors shall be set by the board and each fee shall not exceed one hundred dollars (\$100).

(1) For professional engineers applying for licensure by way of comity, both the application fee and licensure fee shall accompany the application.

(2) For professional engineers applying for licensure by way of examination and for professional land surveyors, the application fee shall accompany the application, and the licensure fee shall be due upon approval of licensure. If the applicant fails or refuses to remit the licensure fee within 30 days after being notified of successfully qualifying, the applicant shall forfeit the right to have a certificate so issued. For further consideration, the applicant shall be required to submit a new application and application fee.

(c) The application fee, which shall include the certification fee, for engineer interns and land surveyor interns shall be set by the board, shall not exceed fifty dollars (\$50), and shall accompany the application.

(d) The fee for a certificate of authorization for a corporation, partnership, or firm shall be set by the board and shall not exceed two hundred fifty dollars (\$250), and must accompany the application.

(e) If the board denies certification or licensure to any applicant, or the certificate of authorization to any corporation, partnership, or firm, the fee paid shall be retained as an application fee.

**CREDIT(S)**

(Acts 1961, Ex. Sess., No. 79, p. 1976, § 13; Acts 1975, No. 1049, p. 2107, § 1; Acts 1984, 1st Ex. Sess., No. 84-792, p. 182, § 1; Acts 1997, No. 97-683, p. 1332, § 1.)

§ 34-11-6. Examinations. *Current through the end of the 2013 Regular Session.*

(a) Examinations shall be held at such times and places as the board determines and upon payment of an examination fee.

(b) When examinations are required on fundamental subjects, the applicant shall be permitted to take this part of the professional examination as specified by rules of the board. A candidate failing an examination may apply for reexamination under guidelines established by the board.

(c) When examinations are required on applied subjects, the applicant shall be permitted to take this part of the professional examination as specified by guidelines established by the board. The scope of the examination and the methods of procedure shall be prescribed by the board with special

reference to the applicant's ability to design and supervise engineering or land surveying works so as to protect the safety of life, health, and property. Examinations shall be given for the purpose of determining the qualifications of applicants for licensure separately in engineering and in land surveying. A candidate failing an examination may apply for reexamination under guidelines established by the board.

(d) The fees for examination and reexamination shall be set by the board and shall not exceed three hundred dollars (\$300).

#### CREDIT(S)

(Acts 1961, Ex. Sess., No. 79, p. 1976, § 14; Acts 1975, No. 1049, p. 2107, § 1; Acts 1984, 1st Ex. Sess., No. 84-792, p. 182, § 1; Acts 1997, No. 97-683, p. 1332, § 1; Act 2004-501, p. 954, § 1.)

#### § 34-11-7. Issuance of certificate; seal. *Current through the end of the 2013 Regular Session.*

(a) The board shall issue a certificate of licensure upon payment of a licensure fee as provided for in this chapter to any applicant who, in the opinion of the board, has satisfactorily met all the requirements of this chapter. In the case of a professional engineer, the certificate shall authorize the practice of engineering. In the case of a professional land surveyor, the certificate shall authorize the practice of land surveying. Certificates of licensure shall show the name of the licensee, shall have a license number, and shall be signed by the chair and the secretary of the board under the seal of the board.

(b) The issuance of a certificate of licensure by the board shall be prima facie evidence that the person named therein is entitled to all the rights and privileges of a professional engineer, or of a professional land surveyor unless the certificate is revoked, suspended, surrendered, lapsed, or expired.

(c) Each professional engineer should upon licensure obtain a seal of the design authorized by the board, bearing the licensee's name, licensure number, and the legend, "licensed professional engineer." Previously purchased seals bearing the terminology "registered" vs. "licensed" may continue to be used until replacement is required. Engineering drawings, plans, specifications, plats, and reports issued by a licensee or by qualified persons under the direction of the licensee and for which the licensee assumes full responsibility shall be certified pursuant to this chapter. It shall be unlawful for anyone to use an expired, suspended, surrendered, lapsed, or revoked certificate or seal or facsimile thereof.

(d) Each professional land surveyor should upon licensure obtain a seal of the design authorized by the board, bearing the licensee's name, licensure number, and the legend, "licensed professional land surveyor." Previously purchased seals bearing the terminology "registered" vs. "licensed" may continue to be used until replacement is required. Land plats, legal descriptions of lands, and land surveying reports issued by a licensee or by qualified persons under the direction of the licensee and for which the licensee assumes full responsibility shall be certified pursuant to this chapter. It shall be unlawful for anyone to use an expired, suspended, surrendered, lapsed, or revoked certificate or seal or facsimile thereof.

(e) Whenever the seal is applied, the document must be signed by the licensee thereby certifying that he or she is competent in the subject matter and is responsible for the work product. A digital signature may be used in lieu of a handwritten signature.

#### CREDIT(S)

(Acts 1961, Ex. Sess., No. 79, p. 1976, § 15; Acts 1984, 1st Ex. Sess., No. 84-792, p. 182, § 1; Acts 1997, No. 97-683, p. 1332, § 1; Act 2004-501, p. 954, § 1; Act 2009-642, p. 1975, § 1.)

#### § 34-11-8. Renewal of certificates; lapsed licenses. *Current through the end of the 2013 Regular Session.*



(a) The board shall, by rule, establish a procedure for renewing certificates of licensure on an annual or a biennial basis. It shall be the duty of the executive director of the board to notify every person licensed under this chapter of the final date of the renewal of his or her license and the amount of the fee required for the renewal. The notice shall be mailed to the last address of the licensee recorded by the executive director of the board at least one month in advance of the renewal deadline. Renewal may be accomplished at any time prior to or during the month of December by payment of the required fee. The board shall establish the renewal fee for each certificate of licensure issued pursuant to this chapter. The amount of the renewal fee shall not exceed one hundred fifty dollars (\$150) for annual renewal or three hundred dollars (\$300) for biennial renewal. Certificates of licensure for professional engineers and professional land surveyors shall lapse on the last day of the month of December, annually or biennially, unless renewed. The board shall, by rule, establish procedures including requirements, time limits, and the minimum continuing professional competency hours required for reinstating or reactivating a lapsed license. The board shall establish a reinstatement fee which shall be based on the period the license was lapsed. A lapsed license, if not reinstated, shall remain in a lapsed classification for a total of four years. Any license which has lapsed for more than four years shall not be eligible for reinstatement or reactivation and is expired.

(1) Any individual whose license has lapsed for nonpayment of renewal fees shall continue to be subject to this chapter and board rules governing licenses until the licensure is revoked by action of the board or the license is not eligible for reinstatement under the rules of the board. A licensee who practices or offers to practice in this state with a lapsed, inactive, or retired license shall be subject to disciplinary action by the board.

(2) No licensee shall have his or her license renewed unless, in addition to any other requirements of this chapter, the minimum annual or biennial continuing professional competency requirement is met. It is further provided that the continuing professional competency program herein required shall not include testing or examination of the licensee in any manner. The board may, by rules, establish exemptions from the continuing professional competency requirement for retired licensees and others in extenuating circumstances as identified by rule of the board.

(b) Enrollment as engineer interns and land surveyor interns shall expire on the last day of the month of December following their issuance or renewal. The notification to interns shall be processed as prescribed above for licensees except that the annual renewal fee shall not exceed ten dollars (\$10). The failure on the part of any intern to accomplish renewal shall not invalidate his or her status as an engineer intern or land surveyor intern, but his or her name shall, after 90 days, be removed from the current mailing list of the board. The fee to bring an enrollment current after a renewal expiration shall be twice that established for annual renewal.

(c) Certificates of authorization issued to corporations, partnerships, or firms practicing or offering to practice engineering or land surveying under this chapter shall lapse on the last day of the month of January following their issuance or renewal, unless renewed. The amount of the renewal fee shall be set by the board and shall not exceed two hundred fifty dollars (\$250). It shall be the duty of the executive director of the board to notify every corporation, partnership, or firm holding a certificate of authorization under this chapter of the final date of renewal of the certificate and the amount of the fee which shall be required for its renewal for one year. The notice shall be mailed by the executive director to the last address recorded for the corporation, partnership, or firm at least one month in advance of the renewal deadline. Renewals may be accomplished at any time prior to or during the month of January by payment of the required fee. Failure by the corporation, partnership, or firm to renew its certificate of authorization prior to or during the month of January shall cause the certificate to lapse, and it shall be unlawful for the corporation, partnership, or firm to practice, offer to practice, or hold itself out as qualified to practice engineering or land surveying in Alabama following the lapse

of its certificate of authorization. The board shall, by rules, establish procedures and time limits for reactivating a certificate of authorization and the reinstatement fees which shall be based on the period the certification was lapsed. A firm, partnership, or corporation whose certificate of authorization has lapsed for nonpayment of renewal fees shall continue to be subject to this chapter and the rules of the board governing licenses until the certificate of authorization is revoked by action of the board or the certificate of authorization is no longer renewable under the rules of the board. If not reinstated, a lapsed certificate of authorization shall remain in a lapsed classification for a period of two years. Any certificate of authorization which has been lapsed for more than two years shall not be eligible for reinstatement or reactivation and is expired.

#### CREDIT(S)

(Acts 1961, Ex. Sess., No. 79, p. 1976, § 16; Acts 1975, No. 1049, p. 2107, § 1; Acts 1984, 1st Ex. Sess., No. 84-792, p. 182, § 1; Acts 1991, No. 91-199, p. 375, § 3; Acts 1997, No. 97-683, p. 1332, § 1; Act 2004-501, p. 954, § 1.)

§ 34-11-9. Corporate and partnership practice. *Current through the end of the 2013 Regular Session.*

(a) *Services offered to the public; certificate of authorization required.*

(1) Engineering or land surveying services. The practice of or offer to practice engineering and land surveying as defined in Section 34-11-1 by individual professional engineers or professional land surveyors licensed under this chapter through a corporation, partnership, or firm offering engineering services or land surveying services to the public through individual licensed professional engineers or professional land surveyors, as agents, employees, officers, or partners, is permitted subject to this chapter and one or more of the principal officers of the corporation, firm, or partners of the partnership and all personnel of the corporation, partnership, or firm who act in its behalf as professional engineers or professional land surveyors in this state are licensed as provided by this chapter, or are persons lawfully practicing under Section 34-11-14 and the corporation, partnership, or firm has been issued a certificate of authorization by the board as provided herein. All final drawings, specifications, plans, reports, or other engineering or land surveying papers or documents involving the practice of engineering or land surveying as defined in Section 34-11-1 of this chapter which shall have been prepared or approved for the use of such corporation, partnership, or firm or for delivery to any person or for public record within the state shall be dated and bear the signature and seal of the professional engineer or professional land surveyor who prepared or approved them. Nothing in this section should be construed to mean that a certificate of licensure to practice engineering or land surveying shall be held by a corporation, partnership, or firm.

(2) Joint practice authorized. Nothing in this section prohibits an individual, corporation, firm, or partnership from joining together to practice, offering to practice, or holding themselves out as qualified to practice engineering or land surveying provided that the individual, corporation, firm, or partnership meets the requirements of this section.

(3) Liability generally. No corporation, firm, or partnership shall be relieved of responsibility for the conduct or acts of its agents, employees, officers, or partners by reason of its compliance with this section, nor shall any individual practicing engineering or land surveying as defined in Section 34-11-1 be relieved of responsibility for work performed by reason of employment, association, or relationship with the corporation, partnership, or firm.

(4) Application for certificate of authorization. A corporation, partnership, or firm desiring a certificate of authorization shall file with the board an application upon a form to be prescribed by the board and the designation required by subdivision (5), accompanied by the licensure fee prescribed by subsection (d) of Section 34-11-5.

(5) Resident licensee. Every firm, partnership, corporation, or other entity which performs or offers to perform engineering or land surveying services shall have a resident licensed professional engineer or land surveyor in responsible charge of the engineering or land surveying work for each separate office or branch office in which engineering or land surveying services are performed or offered to be performed. The board shall issue rules to ensure adequate engineering supervision and surveying supervision of all work.

(6) Filing names and addresses of officers, etc., required. A corporation or firm shall file with the board, using a form provided by the board, the names and addresses of all officers and board members of the corporation or firm including the principal officer or officers duly licensed to practice engineering or land surveying in this state, who shall be in responsible charge of the practice or offering to practice of engineering or land surveying in this state by the corporation or firm and of the individual or individuals designated as the responsible engineer or land surveyor of each branch office offering or performing Alabama engineering or land surveying. A partnership shall file with the board using a form provided by the board, the names and addresses of all partners, including the partner or partners duly licensed to practice engineering or land surveying in this state, and also of an individual or individuals duly licensed to practice engineering or land surveying in this state who shall be in responsible charge of the practice of engineering or land surveying in this state at the branch offices of the partnership. The same form, giving the same information, shall accompany the annual renewal fee prescribed in subsection (c) of Section 34-11-8. In the event there is a change in the firm name or in any of the partners or principal officers during the year, the changes shall be filed with the board by the corporation, partnership, or firm within 30 days after the effective date of the change.

(7) Issuance of certificate of authorization; suspension; revocation. If all the requirements of this section are met, the board shall issue to the corporation, partnership, or firm a certificate of authorization. The board may refuse to issue a certificate, if any facts exist which would entitle the board to suspend or revoke an existing certificate. Any person aggrieved by an adverse determination of the board may appeal to the circuit court in the manner provided in Section 34-11-13.

(8) Certificate required of organization operating under fictitious name. For the purposes of this section, a certificate of authorization shall be required by a corporation, partnership, firm, association, or person practicing under a fictitious name, offering engineering or land surveying services to the public. Where a licensee is practicing engineering or land surveying in his or her own given name, the licensee shall not be required to qualify under this section.

(b) *Incidental engineering or land surveying services; certificate of authorization not required.*

The practice of engineering or land surveying incidental to or in connection with production, manufacture, transportation, distribution, or communication may be carried on by any person, partnership, firm, or corporation engaged in such production, manufacture, transportation, distribution, or communication and will not require a certificate of authorization. The engineering and land surveying services shall be performed by or under the direction of a professional engineer or professional land surveyor licensed in conformity with this chapter. All drawings, plans, specifications, plats, and reports involving the practice of engineering or land surveying shall when issued be dated and bear the seal or facsimile of the seal, signature, and licensure number of the professional engineer or land surveyor in responsible charge thereof.

CREDIT(S)

(Acts 1961, Ex. Sess., No. 79, p. 1976, § 18; Acts 1984, 1st Ex. Sess., No. 84-792, p. 182, § 1; Acts 1991, No. 91-199, p. 375, § 3; Acts 1997, No. 97-683, p. 1332, § 1; Act 2004-501, p. 954, § 1.)

§ 34-11-10. Public work. *Current through the end of the 2013 Regular Session.*

It shall be unlawful for the state or any of its departments, boards, or agencies or any county, municipality, or political subdivision, or any department, board, or agency of any county, municipality, or political subdivision to engage in the construction of any public work involving the practice of engineering unless the engineering drawings, plans, specifications, and estimates have been prepared by and the construction executed under the direct supervision of a professional engineer; provided, that nothing in this chapter shall be held to apply to any public work wherein the expenditure for the complete project of which the work is a part does not exceed \$20,000.

CREDIT(S)

(Acts 1961, Ex. Sess., No. 79, p. 1976, § 19.)

§ 34-11-11. Disciplinary action. *Current through the end of the 2013 Regular Session.*

(a) The board shall have the power to reprimand, censure, place on probation, or fine any licensee or certified engineer intern or land surveyor intern or corporation, partnership, or firm holding a certificate of authorization and to suspend, refuse to renew, or revoke the certificate of any licensee or certified engineer intern or land surveyor intern or the certificate of authorization of a corporation, partnership, or firm found guilty of any of the following:

(1) The practice of any fraud or deceit in obtaining or attempting to obtain or renew a certificate of licensure or certificate of authorization.

(2) Any gross negligence, incompetency, violation of the rules of professional conduct prescribed by the board, or any amendment thereof, or misconduct in the practice of engineering or land surveying as a professional engineer, engineer intern, professional land surveyor, or land surveyor intern.

(3) Falsely representing himself or herself as being in responsible charge of engineering work or land surveying.

(4) Permitting his or her seal, or facsimile thereof, to be used by another.

(5) An offense in another jurisdiction resulting in revocation, suspension, or voluntary surrender, to avoid disciplinary proceedings, of a license or certificate of licensure, including any agreement or stipulation executed by a licensee to avoid formal disciplinary proceedings.

(b) The board shall have the power to impose any or all of the disciplinary penalties set forth in this section against a corporation, partnership, or firm holding a certificate of authorization, when any one or more of the agents, employees, officers, partners, or owners of the corporation, partnership, or firm, licensed or nonlicensed, have committed any act, or have been guilty of any conduct, which could authorize the imposition of any of the disciplinary penalties set forth in this section. The acts or conduct by the persons must have been related to the practice of or offer to practice of engineering or land surveying by the corporation, partnership, or firm and that the acts or conduct must have been performed or occurred within the scope of the employment of any such person and with the authorization, ratification, or approval of an officer, director, principal, partner, or owner of the corporation, partnership, or firm.

(c) Any person may file a complaint alleging a violation of this section against any individual licensee, certified intern, or corporation, partnership, or firm holding a certificate of authorization. The complaints shall be in writing and shall be filed with the executive director of the board.

(d) The board may designate a person or persons to investigate and report to it on any matter related to its lawful duties and may employ legal counsel as the board may deem necessary or desirable. An investigation may be made upon receipt of a complaint or may be initiated by the board. The board may resolve violations by agreement between the board and the licensee with or without the filing of formal charges.

(e) Following an investigation, charges may be filed against any individual licensee, certificated intern, or corporation, partnership, or firm holding a certificate of authorization. The charges shall conform to the Administrative Procedure Act.

(f) With the consent of the licensee, the board may conduct an informal hearing without meeting the requirements of the Administrative Procedure Act at which no action shall be taken other than a reprimand, public or private.

(g) All charges, unless dismissed by the board as unfounded or trivial, shall be heard by the board within a reasonable time.

(h) The time and place for the hearing shall be fixed by the board, and a copy of the charges, together with a notice of the time and place of the hearing, shall be personally served on or mailed to the last known address of the individual licensee, certified intern, or corporation, partnership, or firm holding a certificate of authorization, at least 30 days before the date fixed for the hearing. At any hearing the accused individual licensee, certified intern, or corporation, partnership, or firm holding a certificate of authorization shall have the right to appear personally and by counsel, to cross-examine witnesses appearing against him, her, or them, and to produce evidence and witnesses in his or her or their own defense. If the accused fails or refuses to appear, the board may proceed to hear and determine the validity of the charges.

(i) If after the hearing three or more members of the board vote in favor of finding the accused guilty, the board shall impose one or more of the disciplinary penalties set forth in this section. Any fine imposed may not exceed two thousand five hundred dollars (\$2,500) for each count or separate offense. The written decision of the board shall be delivered personally to the accused or sent by certified mail, return receipt requested, to the last known address of the accused.

(j) If disciplinary action from a hearing results in imposing a fine against a licensee, certified intern, or certificated corporation, partnership, or firm, the board shall not renew the annual certificate for this licensee, certified intern, or certificated corporation, partnership, or firm until the fine is paid in full. In the event that the fine is subsequently set aside on judicial review, as provided in the Alabama Administrative Procedure Act, the licensee, certified intern, or corporation, partnership, or firm holding a certificate of authorization shall be entitled to a prompt refund of the amount of the fine, but shall not be entitled to interest thereon.

(k) The board shall revoke the certificate of any licensee or certified intern who has been determined to be one of the following:

(1) Declared non compos mentis by a court of competent jurisdiction.

(2) Convicted of or entered a plea of guilty or nolo contendere to any crime under the laws of the United States or any state or territory thereof, which is a felony, whether related to practice or not and convicted of or entered a plea of guilty or nolo contendere to any crime, whether a felony, misdemeanor, or otherwise, an essential element of which is dishonesty or which is directly related to the practice of engineering or land surveying.

(l) When a member of the board is unable to continue the hearing either by disqualification or for any other reason, and the board is unable to reach a quorum, the Governor shall appoint as many ex officio members as is necessary to reach a quorum from a list of three persons submitted for each place by the committee of seven as specified in Section 34-11-30. These ex officio members shall serve on the board only for that hearing for which they were appointed and they may be reappointed for subsequent hearings if necessary.

(m) The licensee shall be responsible for the cost of the disciplinary action if found guilty.  
CREDIT(S)

(Acts 1961, Ex. Sess., No. 79, p. 1976, § 20; Acts 1984, 1st Ex. Sess., No. 84-792, p. 182, § 1; Acts 1984, 2nd Ex. Sess., No. 85-45, p. 68, § 1; Acts 1987, No. 87-414, p. 607, § 3; Acts 1997, No. 97-

683, p. 1332, § 1.)

§ 34-11-12. Reissuance of revoked certificates; duplicate certificates. *Current through the end of the 2013 Regular Session.*

The board, for reasons it may deem sufficient, may reissue a certificate of licensure to any person or certificate of authorization to any corporation, partnership, or firm whose certificate has been revoked, provided three or more members of the board vote in favor of reissuance. The board shall not consider reissuance of a certificate to any person whose certificate has been revoked because of non compos mentis until after the person has been declared to have fully regained his or her competency by a court of competent jurisdiction. The board shall not consider the reissuance of a certificate to a person who was convicted of a felony or entered a plea of guilty or nolo contendere to a felony until the civil rights of the person have been restored, and then a unanimous approval vote of the board concerning reissuance shall be required. A new certificate to replace any certificate revoked, lost, destroyed, or mutilated or for any other reason may be issued, subject to the rules of the board, and a charge of twenty-five dollars (\$25) shall be made for such issuance.

CREDIT(S)

(Acts 1961, Ex. Sess., No. 79, p. 1976, § 21; Acts 1984, 1st Ex. Sess., No. 84-792, p. 182, § 1; Acts 1997, No. 97-683, p. 1332, § 1; Act 99-102, p. 120, § 3.)

§ 34-11-13. Appeals. *Current through the end of the 2013 Regular Session.*

Any person, corporation, partnership, or firm who shall feel aggrieved by the denial of a certificate by the board or by any disciplinary action by the board taken pursuant to Section 34-11-11 may appeal therefrom within 30 days to the Circuit Court of Montgomery County, Alabama, exclusively, notwithstanding the provisions of the Alabama Administrative Procedure Act; and only after the filing of the notice of appeal, shall judicial review be as provided for in the Alabama Administrative Procedure Act.

CREDIT(S)

(Acts 1961, Ex. Sess., No. 79, p. 1976, § 22; Acts 1984, 1st Ex. Sess., No. 84-792, p. 182, § 1; Acts 1987, No. 87-414, p. 607, § 3.)

## **ADMINISTRATIVE CODE**

Ala. Admin. Code 330-X-15-.02, Board of Registration for Professional Engineers and Land Surveyors; Compliance and Enforcement: Application Procedures.

§ 34-11-14. Persons and acts exempt from chapter. *Current through the end of the 2013 Regular Session.*

This chapter shall not be construed to prevent or to affect any of the following:

- (1) The practice of any other legally recognized profession or trade.
- (2) The work of an engineer intern or land surveyor intern, employee, or a subordinate of any person holding a certificate of licensure under this chapter, or any employee of a person practicing lawfully under paragraph b of subdivision (1) of Section 34-11-4, if the work is done under the responsibility and supervision of a person holding a certificate of licensure under this chapter or a person practicing lawfully under paragraph b of subdivision (1) of Section 34-11-4.
- (3) The practice of officers and employees of the government of the United States while engaged within this state in the practice of engineering or land surveying for the government. This exception does not extend to any engineer or land surveyor engaged in the practice of professional engineering or land surveying whose compensation is based in whole or in part on a fee.
- (4) The practice of engineering or land surveying with respect to transportation or utility facilities by any transportation company or public utility subject to regulation by the Alabama

Public Service Commission, the Federal Aviation Administration, the Federal Communications Commission, the Federal Energy Regulatory Commission, or the Nuclear Regulatory Commission, including its parents, affiliates, or subsidiaries; or by the officers and employees of any transportation company or public utility including its parents, affiliates, or subsidiaries. This exception shall not extend to any engineer or land surveyor engaged in the practice of engineering or land surveying whose compensation is based in whole or in part on a fee.

(5) The practice of engineering or land surveying by any person who is employed by the Alabama Department of Transportation prior to January 1, 1997, in any engineering or engineering assistant classification series under the State of Alabama Personnel Board, Merit System.

(6) The mere execution as a contractor of work designed by a professional engineer or the supervision of the construction of such work as a foreman or superintendent.

(7) The performance of engineering services which are purely incidental to the practice of architecture by registered architects, or their employees, or subordinates under their responsible supervising control.

(8) The performance of engineering services which are purely incidental to the practice of geology by registered geologists, their employees, or subordinates under their responsible charge.

#### CREDIT(S)

(Acts 1961, Ex. Sess., No. 79, p. 1976, § 24; Acts 1997, No. 97-683, p. 1332, § 1; Act 2004-501, p. 954, § 1.)

§ 34-11-15. Violations; penalties. *Current through the end of the 2013 Regular Session.*

(a) Any person who shall practice, offer to practice, or hold himself or herself out as qualified to practice engineering or land surveying in this state or use in connection with his or her name or otherwise assume, use, or advertise any title or description including, but not limited to, the term engineer, engineers, engineering, or professional engineer, professional engineers, or professional engineering, or land surveyor, land surveyors, land surveying, or professional land surveyor, professional land surveyors, or professional land surveying, without being licensed or exempted in accordance with this chapter, or any person presenting or attempting to use as his or her own the certificate of licensure or the seal or facsimile thereof of another, or permitting his or her own certificate of licensure, seal or facsimile thereof to be used by another person, or any person who shall give any false or forged evidence of any kind to the board or to any member thereof in obtaining, or attempting to obtain a certificate of licensure, or any person who shall falsely impersonate any other licensee of like or different name, or any person who shall attempt to use an expired, suspended, surrendered, or revoked certificate of licensure, or any person who shall violate this chapter, shall be guilty of a Class A misdemeanor and punished as provided by law. Each day of the violation shall be a separate offense.

(b) Any corporation, partnership, or firm who violates any part of this chapter shall be guilty of a Class A misdemeanor and punished as provided by law. Each day of the violation shall be a separate offense.

(c) It shall be the duty of all duly constituted officers of law of this state, or any political subdivision thereof, to enforce this chapter, and to prosecute any persons, firms, partnerships, or corporations for violating this chapter. The Attorney General of the state or his or her assistants shall act as legal advisor to the board and render legal assistance to the board as may be necessary in carrying out this chapter. The board has the right to obtain private legal counsel as the need arises.

#### CREDIT(S)

(Acts 1961, Ex. Sess., No. 79, p. 1976, § 23; Acts 1975, No. 1049, p. 2107, § 1; Acts 1984, 1st Ex.

Sess., No. 84-792, p. 182, § 1; Acts 1997, No. 97-683, p. 1332, § 1; Act 99-102, p. 120, § 3.)

§ 34-11-16. Violations; civil penalties; notice and hearing; subpoena power; appeal. *Current through the end of the 2013 Regular Session.*

(a) In addition to any other provisions of law, the board may enter an order assessing a civil penalty against any non-licensed person, corporation, or other entity found guilty by the board of, but not limited to, the following violations of this chapter.

(1) Engaging in the practice or offer to practice of engineering or land surveying in this jurisdiction without being licensed in accordance with this chapter.

(2) Using or employing the words "engineer," "engineering," "land surveyor," "land surveying," or any modification or derivative thereof in its name or form of business activity, except as authorized in this chapter.

(3) Presenting or attempting to use the certificate of licensure or the seal of another licensed engineer or licensed land surveyor.

(4) Giving false or forged evidence of any kind to the board or a member of the board in obtaining or attempting to obtain a certificate of licensure.

(5) Falsely impersonating another licensed engineer or licensed land surveyor of like or different name.

(6) Using or attempting to use a revoked or non-existent certificate of licensure.

(b) The board shall determine the amount of the civil penalty which shall be paid to the State General Fund. The amount shall not exceed two thousand five hundred dollars (\$2,500) for each and every separate offense.

(c) Before issuing an order under this section, the board shall provide the person written notice and the opportunity to request, within 30 days of notice by the board, a hearing on the record.

(d) Pursuant to the proceedings under this section, the board may issue subpoenas to compel the attendance and testimony of witnesses and the disclosure of evidence, and may request the Attorney General to bring an action to enforce a subpoena.

(e) A person aggrieved by the levy of a civil penalty under this section may file an appeal to the Circuit Court of Montgomery County exclusively for judicial review of the penalty within 30 days notwithstanding the Administrative Procedure Act. Unless an appeal is taken, or the penalty paid, the order of the board imposing the civil penalty shall become a judgment.

(f) If a person fails to pay a civil penalty within 30 days after entry of an order pursuant to subsection (a) or if the order is stayed pending an appeal, within 10 days after the court enters a final judgement in favor of the board of an order appealed pursuant to subsection (e), the board shall notify the Attorney General. The Attorney General may commence a civil action to recover the amount of the penalty, plus attorney's fees and costs.

(g) The cost to the board of the action shall be paid by the respondent if found in violation.

CREDIT(S)

(Acts 1997, No. 97-683, p. 1332, § 2; Act 2004-501, p. 954, § 1.)

## **ARTICLE 2. BOARD OF REGISTRATION.**

§ 34-11-30. Creation; composition; appointment; oath of office; terms of office. *Current through the end of the 2013 Regular Session.*

A State Board of Licensure for Professional Engineers and Land Surveyors is created. It shall be the duty of the board to administer this chapter. The board shall consist of five professional engineers and two professional land surveyors, each of whom shall be appointed by the Governor from a list of



three persons nominated by a committee. To the extent possible, the nominating committee and the Governor shall select those persons whose appointments ensure that the membership of the board is inclusive and reflects the racial, gender, geographic, urban/rural, and economic diversity of the state. The nominating committee shall consist of one professional engineer or professional land surveyor, respectively, appointed or elected by each of the professional organizations as outlined in the rules of the board. Any other organization in the state having membership qualifications comparable to those professional organizations outlined in the rules of the board may petition the board for membership on the committee. The board, by rule, may establish nominating committee operating guidelines and, by rule, may establish procedures for the removal of nonparticipating members of the nominating committee. Nominees shall have the qualifications required by Section 34-11-31. Nominations shall be made by a majority vote of the committee present at the same time at a meeting called by the executive director of the board, who shall advise the above named societies of the meeting at least 30 days before the meeting is held. Each member of the board, before beginning his or her term of office, shall file with the Secretary of State his or her written oath or affirmation for the faithful discharge of his or her official duties. The members of the board shall continue to serve under this chapter until their respective terms expire. On the expiration of the term of each member, the Governor shall in the manner provided in this section appoint for a term of five years a professional engineer or professional land surveyor having the qualifications required by Section 34-11-31 to take the place of the member whose term on the board is about to expire. Vacancies occurring during a term shall be filled by appointment by the Governor, in the manner provided in this section, for the unexpired term. Each member shall hold office until the expiration of the term for which the member is appointed or until a successor is duly appointed and qualified.

CREDIT(S)

(Acts 1961, Ex. Sess., No. 79, p. 1976, § 3; Acts 1995, No. 95-282, p. 516, § 3; Acts 1997, No. 97-683, p. 1332, § 1; Act 2003-141, p. 440, § 3; Act 2009-642, p. 1975, § 1.)

§ 34-11-31. Qualifications of members. *Current through the end of the 2013 Regular Session.*

Each member of the board shall be a citizen of the United States and a resident of this state, a licensed professional engineer or licensed professional land surveyor who holds an unexpired certificate under this chapter, who has been engaged in the practice of engineering or land surveying, respectively, for at least 12 years, and who has been in responsible charge of important engineering or land surveying, respectively, work for at least five years.

CREDIT(S)

(Acts 1961, Ex. Sess., No. 79, p. 1976, § 4; Acts 1995, No. 95-282, p. 516, § 3; Acts 1997, No. 97-683, p. 1332, § 1.)

§ 34-11-32. Compensation and expenses. *Current through the end of the 2013 Regular Session.*

Each member of the board shall receive the sum of one hundred dollars (\$100) per diem when actually attending to the work of the board or any of its committees and for the time spent in necessary travel and shall be reimbursed for traveling expenses as provided in Article 2 of Chapter 7 of Title 36, and incidental and clerical expenses necessarily incurred in carrying out this chapter.

CREDIT(S)

(Acts 1961, Ex. Sess., No. 79, p. 1976, § 5; Acts 1984, 1st Ex. Sess., No. 84-792, p. 182, § 1; Acts 1997, No. 97-683, p. 1332, § 1.)

§ 34-11-33. Removal of members; vacancies. *Current through the end of the 2013 Regular Session.*

The Governor may remove any member of the board for misconduct, incompetency, neglect of duty or for any other sufficient cause. Vacancies in the membership of the board by death,

resignation, or for any reason shall be filled for the unexpired term by appointment by the Governor as provided in Section 34-11-30.

CREDIT(S)

(Acts 1961, Ex. Sess., No. 79, p. 1976, § 6.)

§ 34-11-34. Meetings; legal office; officers; quorum. *Current through the end of the 2013 Regular Session.*

The board shall hold at least two regular meetings each year. The two regular meetings of the board shall be held in the City of Montgomery, Alabama. The legal office of the board shall be located in the City of Montgomery. Special meetings shall be held at the time and place as the rules of the board may provide. Notice of all meetings shall be given as the rules provide. The board shall elect or appoint annually the following officers: A chair, a vice chair, and a secretary. A quorum of the board shall consist of not less than three members.

CREDIT(S)

(Acts 1961, Ex. Sess., No. 79, p. 1976, § 7; Acts 1997, No. 97-683, p. 1332, § 1.)

§ 34-11-35. Powers generally. *Current through the end of the 2013 Regular Session.*

(a) The board shall have the power to adopt and amend bylaws, rules, and regulations, not inconsistent with the constitution and laws of this state, as may be reasonably necessary for the proper performance of its duties and the regulations of the proceedings before it. The board shall have the power to adopt and amend from time to time rules of professional conduct for professional engineers, engineer interns, professional land surveyors, land surveyor interns, and corporations, partnerships, or firms holding certificates of authorization. The board shall adopt and have an official seal.

(b) In carrying into effect its duties in any case involving the revocation of licensure or any disciplinary proceeding involving a licensee or the holder of a certificate of authorization or practicing or offering to practice without licensure, or false statement in connection with an application for licensure, the board may, under the hand of its chair and the seal of the board, subpoena witnesses and compel their attendance, and may also require the production of books, papers, documents, and other pertinent data. Any member of the board may administer oaths or affirmations to witnesses appearing before the board. If any person refuses to obey any subpoena issued, or refuses to testify or produce any books, papers, or documents, the board may present its petition to the Circuit Court of Montgomery County, Alabama, setting forth the facts, and thereupon the Circuit Court of Montgomery County shall, in a proper case, issue its subpoena to such person, requiring his or her attendance before the Circuit Court of Montgomery County and there to testify or to produce such books, papers, and documents, or data. Any person failing or refusing to obey the subpoena or order of the Circuit Court of Montgomery County may be proceeded against in the same manner as for refusal to obey any other subpoena or order of the Circuit Court of Montgomery County.

(c) The board is charged with the duty of seeing that this chapter is enforced. The board shall investigate any complaint relating to the violation of this chapter and, should a violation be indicated, the board shall proceed as provided for under Sections 34-11-11, 34-11-15, and 34-11-16.

(d) The board, for good cause, may apply for relief by injunction, without bond, to restrain any person, firm, partnership, or corporation from the commission of any act which is prohibited by this chapter. In such proceedings it shall not be necessary to allege or prove either that an adequate remedy at law does not exist, or that substantial and irreparable damage would result, from the continued violation thereof. Application for the injunction may be made to the Circuit Court of Montgomery County, Alabama, or the circuit court of the county in which it is alleged that the violation is about to occur, at the request of the board. The injunction may not be granted ex parte, and any judgment or decree may be appealed in the manner prescribed by law to the Supreme Court of

Alabama.

(e) No action or other legal proceedings for damages shall be instituted against the board, any board member, or employee of the board for any act done in good faith and in the intended performance of any power granted under this chapter or for any neglect or default in the performance or exercise in good faith of any duty or power.

CREDIT(S)

(Acts 1961, Ex. Sess., No. 79, p. 1976, § 8; Acts 1975, No. 1049, p. 2107, § 1; Acts 1984, 1st Ex. Sess., No. 84-792, p. 182, § 1; Acts 1997, No. 97-683, p. 1332, § 1.)

§ 34-11-36. Receipts and disbursements. *Current through the end of the 2013 Regular Session.*

The executive director of the board shall receive and account for all money derived under this chapter, and shall pay it monthly to the State Treasurer, who shall keep the money in a separate fund to be known as the "Professional Engineers and Professional Land Surveyors Fund." The fund shall be kept separate and apart from all other money in the Treasury, and shall be paid out only by warrant of the Comptroller upon the Treasurer, upon itemized vouchers, approved by the executive director of the board. No funds shall be withdrawn or expended except as budgeted and allotted according to Article 4 of Chapter 4 of Title 41. Any funds or money in the hands of the State Treasurer, known as the Professional Engineers and Professional Land Surveyors Fund, at the end of the state fiscal year in excess of that amount equal to 25 percent of the budget of the board for the previous fiscal year shall be transferred into the General Fund of the state. However, in the event that the board elects to implement a biennial license, then the above transfer into the General Fund shall only apply at the end of the non-license year of the biennial license cycle. The money, properties, records, and other things of value owned by or allocated to the fund, the board, or the executive director of the board in his or her capacity as such, serving at the time of enactment of this chapter, shall become the property of and be allocated respectively to the fund, the board, or the executive director of the board under this chapter. The executive director of the board shall give a surety bond to the state in a sum as the board may determine. The premium on the bond shall be regarded as a proper and necessary expense of the board and shall be paid out of the fund. The executive director of the board shall receive a salary as determined by the board, in addition to compensation and expenses provided for in Section 34-11-32. The board may employ an executive director and, when necessary, an assistant executive director and fix their compensation and duties. The board may employ clerical or other assistants, subject to the provisions of the Merit System Act, and may make expenditures from the fund for any purpose which in the opinion of the board is reasonably necessary for the proper performance of its duties under this chapter, including the expenses of the board's delegates to regional and national meetings of, and membership dues to, a national examination organization for engineers and land surveyors selected by the board and any of its subdivisions. Under no circumstances shall the total amount of warrants issued by the Comptroller in payment of the expenses and compensation provided for in this chapter exceed the amount provided therefor by the Legislature in the general appropriation or other appropriation bills.

CREDIT(S)

(Acts 1961, Ex. Sess., No. 79, p. 1976, § 9; Acts 1975, No. 1049, p. 2107, § 1; Acts 1991, No. 91-199, p. 375, § 3; Acts 1995, No. 95-282, p. 516, § 3; Acts 1997, No. 97-683, p. 1332, § 1; Act 99-102, p. 120, § 3.)

§ 34-11-37. Records and reports; confidentiality. *Current through the end of the 2013 Regular Session.*

(a) The board shall keep a record of its proceedings and a register of all applications for licensure, which register shall show all of the following:

- (1) The name, age, and residence of each applicant.
- (2) The date of the application.
- (3) The place of business of the applicant.
- (4) The educational and other qualifications of the applicant.
- (5) Whether or not an examination was required.
- (6) Whether the applicant was rejected.
- (7) Whether a certificate of licensure was granted.
- (8) The date of the action of the board.
- (9) Any other information deemed necessary by the board.

(b) The board shall also keep on file a written statement under oath from each applicant that he or she will abide by the rules of professional conduct prescribed by the board, which oath shall be a part of his or her application for licensure.

(c) The records of the board shall be evidence of the proceedings of the board set forth therein, and a transcript thereof, duly certified by the executive director of the board under seal, shall be admissible in evidence with the same force and effect as if the original were produced.

(d) Annually, as of September 30, the board shall submit to the Governor a report of its transactions of the preceding year and a complete statement of the receipts and expenditures of the board, attested by affidavits of its chair and its secretary.

(e) Board records and papers of the following class are of a confidential nature and are not public records: Examination material for examinations not yet given; file records of examination problems and solutions; exam scores; letters of inquiry and reference concerning applicants; transcripts of college courses and grades; board inquiry forms concerning applicants; pending and closed complaints and investigative files which shall remain confidential until an actual formal hearing may commence; and all other materials of like confidential nature.

CREDIT(S)

(Acts 1961, Ex. Sess., No. 79, p. 1976, § 10; Acts 1997, No. 97-683, p. 1332, § 1.)

## **Summary of Legislative Activity**

HB189 – 2011: Unsuccessful

Sponsor: Representative Wren

To amend Sections 34-11-1, 34-11-4, 34-11-5, 34-11-6, 34-11-9, 34-11-11, 34-11-12, 34-11-30, 34-11-31, and 34-11-34 of the Code of Alabama 1975, relating to engineers and land surveyors; to provide for approval of engineer and land surveyor licensing examinations by the State Board of Licensure for Professional Engineers and Land Surveyors; to eliminate the cap on the fee associated with an examination or reexamination for licensure; to specify the number of members necessary to impose certain disciplinary penalties against licensees and to approve reissuance of revoked certificates of licensure; to clarify the exemption for work by regulated transportation companies and public utilities with respect to transportation or utility facilities; and to specify that a quorum of the State Board of Licensure for Professional Engineers and Land Surveyors is a simple majority.

SB232 / HB355 – 2013: Unsuccessful

Sponsors: Senator Allen, Representative Johnson

To amend Sections 34-11-1, 34-11-2, 34-11-3, 34-11-4, 34-11-5, 34-11-6, 34-11-8, 34-11-9, 34-11-11, 34-11-12, 34-11-16, 34-11-30, 34-11-31, 34-11-34, 34-11-36, and 34-11-37, Code of Alabama 1975, relating to the practice of engineering and land surveying; to require that certain applicants for licensure pass a board-approved examination in lieu of an eight hour written examination; to delete certain expired provisions; to provide for a combined application and licensure fee not exceeding \$200; to authorize the board to contract with an independent agency testing to delete the specific authorization for joint practice; to delete the requirement that the names and addresses of all officers and board members of a corporation be filed with the board; to increase the disciplinary penalties from \$2,500 to \$10,000 per violation; to revise the appointment process, membership of the board, and qualifications of board members; to provide that a simple majority of board members is a quorum; and to increase the percentage of the budget of the board from the previous year that may remain in the Professional Engineers and Land Surveyors Fund, and not be transferred to the State General Fund, from 25 percent to 33 percent.

### **Examination Statistics**

	<b>2012</b>			<b>2013</b>		
<b>Engineer Exams</b>	<b>Taken</b>	<b>Pass</b>	<b>Pass %</b>	<b>Taken</b>	<b>Pass</b>	<b>Pass %</b>
Fundamentals of Eng.	927	497	54	936	538	57
Principles & Practice of Eng.						
Agricultural	1	1	100	0	0	0
Chemical	12	7	58	12	7	58
Civil	261	131	50	232	124	53
Control Systems	5	2	40	4	3	75
Electrical	57	26	46	54	33	61
Environmental	21	14	67	17	8	47
Industrial	0	0	0	1	1	100
Fire	1	0	0	0	0	0
Mechanical	69	35	51	76	40	53
Mining	1	0	0	1	1	100
Naval Architecture	2	0	0	1	0	0
Nuclear	0	0	0	1	1	100
Structural Lateral	7	1	14	16	6	38
Structural Vertical	16	4	25	20	10	50
<b>Land Surveyor Exams</b>	<b>Taken</b>	<b>Pass</b>	<b>Pass %</b>	<b>Taken</b>	<b>Pass</b>	<b>Pass %</b>
Fundamentals of LS	33	11	33	20	10	50
Principles & Practice of LS	30	13	43	27	18	67
Alabama LS History & Law	23	15	65	24	20	83

## **Board Members**



Dr. Robert J. Bentley  
Governor

Regina A. Dinger  
Executive Director

### Alabama State Board of Licensure for Professional Engineers and Land Surveyors

100 N. Union Street, Suite 382  
Montgomery, Alabama 36104-3762

February 28, 2014

Mailing Address:  
P.O. Box 304451  
Montgomery, AL 36130-4451

Phone: (334) 242-5568  
Toll Free: (866) 461-7640  
Fax: (334) 242-5105  
[www.bels.alabama.gov](http://www.bels.alabama.gov)

Mr. Daniel Dupree  
Department of Examiners of Public Accounts  
50 North Ripley Street, Room 3201  
Montgomery, AL 36130

Dear Mr. Dupree:

The current members of the Alabama State Board of Licensure for Professional Engineers and Land Surveyors, their addresses, and term information are:

#### CURRENT OFFICERS (2013-2014):

Chair	Mr. Phillip E. Santora, P.E., P.L.S.
Vice Chair	Mr. Earl Foust, P.E.
Secretary	Mr. Marc S. Barter, P.E.

VACANCIES: None

#### BOARD MEMBER INFORMATION:

Mr. Marc S. Barter, P.E.  
Professional Engineer  
Orange Beach, AL  
Appointed: May 4, 2012  
Term Expires: April 22, 2016

Mr. Arthur Frazier Christy, P.E., P.L.S.  
Professional Land Surveyor  
Birmingham, AL  
Appointed: April 16, 2013  
(April 22, 2013 effective)  
Term Expires: April 22, 2018

Mr. Earl Foust, P.E.  
Professional Engineer  
Birmingham, AL  
Appointed: March 26, 2010 (April 22, 2010 effective)  
Term Expires: April 22, 2015

Mr. Phillip E. Santora, P.E., P.L.S.  
Professional Land Surveyor  
Slocomb, AL  
Appointed: September 17, 2009  
Term Expires: July 31, 2014

Dr. Daniel S. Turner, P.E., P.L.S.  
Professional Engineer  
Tuscaloosa, AL  
Appointed: September 16, 2009  
Term Expires: July 31, 2014

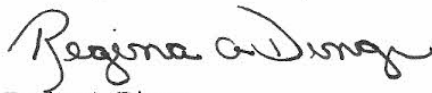
Mr. Charles P. Willis, P.E.  
Professional Engineer  
Hoover, AL  
Appointed: April 23, 2012  
Term Expires: April 22, 2017

Mr. W. Gerald Wilbanks, P.E.  
Professional Engineer  
Trussville, AL  
Appointed: June 2, 2009  
Term Expires: April 22, 2014

EXECUTIVE DIRECTOR INFORMATION:

Ms. Regina A. Dinger  
Montgomery, AL  
Hired: June 4, 1996

Sincerely,

A handwritten signature in black ink that reads "Regina A. Dinger". The signature is written in a cursive, flowing style.

Regina A. Dinger  
Executive Director